



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, July 21, 2016 – 7:00 PM

Chairperson T.J. Welch
Commissioners Ed Newman
Gayle Ortiz
Linda Smith
Susan Westman

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

Short communications from the public concerning matters not on the Agenda. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes.

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. Planning Commission - Regular Meeting - Jun 2, 2016 7:00 PM

4. CONSENT CALENDAR

All matters listed under "Consent Calendar" are considered by the Planning Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Planning Commission votes on the action unless members of the public or the Planning Commission request specific items to be discussed for separate review. Items pulled for separate discussion will be considered in the order listed on the Agenda.

A. 3801 Clares Street #16-117 APN: 034-261-47

Modification to the existing Conditional Use Permit to extend the hours of operation of a dialysis treatment center in the CC (Community Commercial) Zoning District.
This project is not located in the Coastal Zone.
Environmental Determination: Categorical Exemption
Property Owner: Capitola Roth Investments, LLC
Representative: Frank E. Jesse, filed: 6/8/16

B. 145 Wesley Street #16-056 APN: 036-172-02

Design Permit for a remodel, expansion of existing garage, and second story addition to an existing single-family home located in the R-1 (Single-Family Residential) Zoning District.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Noah and Heather Fox

Representative: Judy and Wayne Miller, filed: 04/13/2016

5. PUBLIC HEARINGS

Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Public Discussion; 3) Planning Commission Comments; 4) Close public portion of the Hearing; 5) Planning Commission Discussion; and 6) Decision.

A. Verizon Wireless Antenna Facility at Utility Pole #3501 adjacent to 2091 Wharf Road #15-109

Design Permit and Conditional Use Permit for the installation of a new Verizon wireless antenna and ancillary equipment on an existing utility pole in the Wharf Road right-of-way in the R-1 (Single-Family Residential) Zoning District.

This project is not located in the Coastal Zone and does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Pacific Gas & Electric

Representative: Jason Osborne, filed 6/30/15

6. DIRECTOR'S REPORT**7. COMMISSION COMMUNICATIONS****8. ADJOURNMENT**

APPEALS: The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Conditional Use Permit, Variance, and Coastal Permit. The decision of the Planning Commission pertaining to an Architectural and Site Review can be appealed to the City Council within the (10) working days following the date of the Commission action. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a one hundred forty two dollar (\$142.00) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

Notice regarding Planning Commission meetings: The Planning Commission meets regularly on the 1st Thursday of each month at 7:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org. Agendas are also available at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the Community Development Department at (831) 475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Materials that are a public record under Government Code § 54957.5(A) and that relate to an agenda item of a regular meeting of the Planning Commission that are distributed to a majority of all the members of the Planning Commission more than 72 hours prior to that meeting shall be available for public inspection at City Hall located at 420 Capitola Avenue, Capitola, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the Community Development Department at least 24 hours in advance of the meeting at (831) 475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Televised Meetings: Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed on the following Monday and Friday at 1:00 p.m. on Charter Channel 71 and Comcast Channel 25. Meetings can also be viewed from the City's website: www.cityofcapitola.org.



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, JUNE 2, 2016
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

**1. ROLL CALL
AND PLEDGE OF ALLEGIANCE**

Commissioner Linda Smith: Present, Commissioner Gayle Ortiz: Present, Commissioner Edward Newman: Present, Chairperson TJ Welch: Present, Commissioner Susan Westman: Present.

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda - None

B. Public Comments - None

C. Commission Comments

Commissioner Ortiz noted that a large animal is preying on cats in the Riverview Drive area and recommended that pet owners keep them indoors overnight.

Chairperson Welch said the Police Appreciation Week fundraising dinner is June 6 and 7.

D. Staff Comments - None

3. APPROVAL OF MINUTES

A. Planning Commission Minutes of the Regular Meeting of May 5, 2016

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Gayle Ortiz, Commissioner
SECONDER:	Edward Newman, Commissioner
AYES:	Smith, Ortiz, Newman, Welch, Westman

4. CONSENT CALENDAR - NO ITEMS

5. PUBLIC HEARINGS

A. 503 Capitola Avenue #16-008 APN: 035-093-12

Design Permit to remodel the existing commercial space and build two new residential units above, and a Variance request to allow architectural features to encroach into the side and rear yard setbacks located in the CN (Neighborhood Commercial) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit, which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Vincente Valente

Representative: Matson & Britton Architects, filed: 1/19/16

Commissioners Ortiz and Westman recused themselves because they own property within 500 feet of the subject property and left the dais.

Senior Planner Katie Cattan presented the staff report and reviewed the variance requests. The project includes remodeling the existing non-conforming commercial space fronting

Minutes Acceptance: Minutes of Jun 2, 2016 7:00 PM (Approval of Minutes)

Capitola Avenue. The proposed residential use meets parking requirements and setbacks. A variance is needed for bay windows and chimney in the side-yard setbacks, which are not permitted in the neighborhood commercial but are within the residential zoning districts. The project requires a variance to the 80 percent value limit to maintain the existing commercial portion. Its location close to the property line is not unusual along Capitola Avenue and maintains the development pattern, so staff supports the variance.

Martha Matson, architect, spoke in support of the project.

Vincente Valente, property owner, noted that his family has planned for many years to update the property.

Commissioner Newman asked why the project was designed with variances for the residential portion. Ms. Matson replied they wanted it to maintain a residential look. Mr. Valente said he wanted a product that was attractive and the architectural elements help it stand out.

Sandy Pensinger owns property directly behind the project and said she supports preserving the charming village aesthetic. She feels the project has a massive scale in comparison to properties around it. She would prefer lower height and less lot coverage. She worries that the living room looks into the 502 Oak bedroom. She also expressed concerns about soil contamination from previous car repair use and quality of storm water runoff, and whether her property will get less sunlight.

Edwin Mabie, long-time resident, agrees with his wife that the proposed structure is much larger than the existing building, and noted that their remodel met setbacks. He requested that the applicant remove the bay window facing bedroom and asked for a smaller chimney since wood-burning not permitted. He also asked about drainage.

Ms. Matson noted that parking is dictated by project size. The height is lower than the residential standard of 25 feet at that elevation and the 20-foot setback is larger than residential. They would consider larger trees to increase privacy. The project increases on-site drainage with permeable concrete.

Chairperson Welch asked if there were shadowing studies. Planner Cattan said they were not provided and Ms. Matson said she doubted there would be an impact. Commissioner Smith confirmed the fireplace is gas and the type of heating.

Commissioner Newman said the project is a nice improvement to the existing structure. He can support the commercial variance, but is struggling with residential. The project is getting the benefit of CN zoning in coverage and he has trouble supporting the variances for encroachment.

Commissioner Smith also does not favor variances. The side bay window is not troubling and adds articulation, but the chimney is massive and unnecessary. She would not support the back bay. She likes the overall design and does not have concerns about daylight.

Chairperson Welch said the only way to have conforming properties is to deny variances. He does not feel that the lot creates development difficulties that would support the residential variances, but has no concern with the commercial.

Motion: Approve a Design Permit, Coastal Development Permit and Variance to the front-yard setbacks with the following conditions and findings:

CONDITIONS

1. The project approval consists of a remodel of the ground floor commercial site and an extensive demolition and addition within the residential first and second stories. The application requires included a variance for front, side, and rear yard setbacks and exceeding the 80% valuation for a remodel of a non-conforming building. The variance for the non-conforming commercial building was approved by the Planning Commission and the variance encroachments into the setbacks were denied by the Planning Commission. At time of building plan submittal, the encroachments into the setbacks must be removed from the plan. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 2, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #16-008 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan. Erosion and sediment control shall be installed prior to the commencement of construction and maintained throughout the duration of the construction project.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

FINDINGS

A. The application, subject to the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.

The proposed remodel and addition do not shall comply with the setback standards of the Zoning Ordinance, but special circumstances exist in relation with reduced setbacks-

enjoyed by many surrounding properties and will secure the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.

B. The application will maintain the character and integrity of the neighborhood.

The proposed remodel and addition will update the structure improving the integrity of the building and neighborhood. The variance to allow the existing non-conforming commercial structure to remain in the current location will maintain the character and development pattern along Capitola Avenue.

C. This project is categorically exempt under Section 15302 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15302 of the CEQA Guidelines exempts the replacement or reconstruction of an existing structure on the same site with a new structure of the same purpose. This project involves a remodel of a commercial unit and replacement of residential in the CN (Neighborhood Commercial) Zoning District. No adverse environmental impacts were discovered during review of the proposed project

D. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

The strict application of the code deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. There are numerous non-conforming structures within the 500 block of Capitola Avenue that exist within the front yard setback ~~extend in the required setbacks.~~

E. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.

The existing development pattern of the block includes many existing non-conforming buildings that do not comply with front, ~~side,~~ and rear yard setbacks. Grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

COASTAL FINDINGS

D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been

identified will be alleviated or mitigated by the dedication. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.

(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;

- The proposed project is located at 503 Capitola Avenue. The proposed project is not located in an area with coastal access. The proposed project will not have an effect on public trails or beach access.

(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

- The proposed project is located along Capitola Avenue. No portion of the project is located along the shoreline or beach.

(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically

used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);

- There is not history of public use on the subject lot.

(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The proposed project is located on private property. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas.

(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

- The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;***
- Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;***
- Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.***

- The project is not requesting a Public Access Exception, therefore these findings do not apply

(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:

- Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;***

- The project is located in a neighborhood commercial lot.
- b. Topographic constraints of the development site;**
 - There are no topographic constraints to the development site.
- c. Recreational needs of the public;**
 - The project does not impact recreational needs of the public.
- d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;**
- e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;**
- f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.**

(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);

- No legal documents to ensure public access rights are required for the proposed project

**(D) (6) Project complies with visitor-serving and recreational use policies;
SEC. 30222**

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

- The project involves a mixed use development on a neighborhood commercial lot of record.

SEC. 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

- The project involves a mixed use development on a neighborhood commercial lot of record.

c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

- The project involves a mixed use development on a neighborhood commercial lot of record.

(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;

- The project involves mixed use development on a neighborhood commercial lot of record. The project complies with applicable standards and requirements for provision for pedestrian access, alternate means of transportation and/or traffic improvements. Parking requirements were not required to be met due to the minor modification and being that the project does not add heated square footage.

(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;

- The project is requesting a variance from the setback standards and non-conforming valuation of the Municipal Code, but meets the other requirements of the code. The city's architectural and site review committee reviewed the project and support the minor modifications to the existing residence.

(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

(D) (10) Demonstrated availability and adequacy of water and sewer services;

- The project is located on a legal lot of record with available water and sewer services.

(D) (11) Provisions of minimum water flow rates and fire response times;

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

(D) (12) Project complies with water and energy conservation standards;

- The project is for a mixed use development on a neighborhood commercial lot of record. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the soquel creek water district.

(D) (13) Provision of park dedication, school impact, and other fees as may be required;

- The project will be required to pay appropriate fees prior to building permit issuance.

(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;

- The project does not involve a condo conversion or mobile homes.

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

- Conditions of approval have been included to ensure compliance with established policies.

(D) (16) Project complies with Monarch butterfly habitat protection policies;

- The project is not located in areas where Monarch Butterflies have been encountered, identified and documented.

(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal

bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;

- Geologic/engineering reports prepared by qualified professionals for this project may be required. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

(D) (20) Project complies with shoreline structure policies;

- The proposed project complies with shoreline structure policies.

(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;

- This use is a principally permitted use consistent with the Neighborhood Commercial zoning district.

(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures, except for the variance request for setbacks and non-conforming evaluation.

(D) (23) Project complies with the Capitola parking permit program as follows:

- The project site is not located within the area of the Capitola parking permit program.

RESULT:	APPROVED AS AMENDED [3 TO 0]
MOVER:	Edward Newman, Commissioner
SECONDER:	Linda Smith, Commissioner
AYES:	Smith, Newman, Welch
RECUSED:	Ortiz, Westman

B. 201 Esplanade #16-095 APN: 035-211-05

Sign Permit and Design Permit application for two new awning signs on the front of the building and two new awning signs on the rear of the building for Rocks of Petra restaurant located in the CV (Central Village) Zoning District.

This project is in the Coastal Zone but is exempt from a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Xavier Sanchez

Representative: Amjad Al Asad, filed: 5/6/16

This item was heard following 5.C, 1890 Wharf Road. Commissioner Ortiz returned to the dais. Planner Cattan presented the staff report. She noted the unique shape of the property that shares a corridor with the surrounding property. The front awnings do not extend into the public right-of-way, but the rear awnings are close to property line and could be extended into the adjoining property. The applicant has signed a pledge that it will not extend beyond the

property line. She offered images of the already installed items, and noted that the text of two lines is more than has been permitted in other properties.

The awnings in front are clean and while they do not meet Village Design guidelines, they do meet building code accessibility requirement. The amount of window coverage will be within the 20 percent requirement. The applicant has requested to keep the existing non-conforming menu sign.

She suggested modifying the conditions to add that temporary window signs meet the 20 percent maximum, no sidewalk sign has been approved and adding the standard language that the permit may be brought back if conditions are violated.

Commissioner Westman said the sidewalk around the property public access way is described in the Local Coastal Program and believes there may be conditions that it be kept clear. She wants clarification of that use. Commissioner Newman asked when it became a dining area. Community Development Director Rich Grunow said staff can check if the applicant is entitled to use that area for seating.

Commissioner Ortiz confirmed low-level lighting on the front awnings.

Al Asad, applicant, spoke on behalf of the project. The restaurant changed its name following a repair closure. Heat from sun has been persistent problem and the back awning addresses this. The location causes confusion for access to Zelda's deck. Waiting Zelda's customers take tables from his restaurant and awnings help define the space.

Commissioner Smith asked if the retraction was available in a shorter size and was told not as a standard product.

Jill Ealy of Zelda's spoke in opposition to the rear awnings. There have been problems with them interfering with her staff's mobility and there has been no one available at the applicant's restaurant to reduce the extension. She thinks the signs are not appropriate.

Commissioner Newman said the City has not seen a lot of voluntary compliance from the applicant. He cannot find justification to permit awnings installed without a permit that can extend over another property. Other commissioners agreed.

Commissioner Smith asked to change condition #2 no new menu sign and add conditions recommended by staff.

Motion: Approve a Design Permit and Sign Permit for two front awnings with the following conditions and findings:

CONDITIONS

1. The project approval consists of two sign located on the front façade of 201 Esplanade in the CV (Central Village) zoning district. The proposed project is approved as indicated in the conditions of approval reviewed and approved by the Planning Commission on June 2, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Two new signs ~~and one new menu sign~~ are approved for the property at 201 Esplanade. The approved signs include:
 - a. One (1) Awning Sign over the entrance on the front façade of the restaurant. The sign is 2 feet high by 8 feet wide and 2 feet 5 inches deep.

- b. One (1) Awning Sign over the to-go window on the front façade of the restaurant. The sign is 2 feet high by 5 feet wide by 1 foot 7 inches deep.
 - c. Temporary window signs may cover up to 20% of windows.
3. The awnings must be kept clean and appear in good condition. Awnings are vulnerable to the natural elements and therefore the awnings shall be replaced by the owner when they show signs of wear.
 4. A Building Permit for the front awning signs must be obtained from the Building Department within 30 days of approval by the Planning Commission.
 5. Two retractable awnings were installed on the rear of the building without approval by the Planning Commission. The two awnings on the rear of the building were denied by Planning Commission. The awnings on the rear of the building must be removed within 30 days of the denial by Planning Commission.
 6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.
 7. A sidewalk sign is not approved within this application.
 8. The applicant was granted a sign permit for the restaurant at 201 Esplanade. In any case where the conditions of the permit have not been or are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefore, the Planning Commission may revoke the permit.

FINDINGS

- A. The signage, as designed and conditioned, will maintain the character and aesthetic integrity of the subject property and the surrounding area.**
The two awning signs on the front of the building were designed to maintain the character and aesthetic of the Central Village district.
- B. The signage, as designed and conditioned, reasonable prevent and reduce the sort of visual blight which results when signs are designed without due regard to effect on their surroundings.**
The signs on the front of the building complement the building design and the Esplanade. The two awnings proposed on the rear of the building have not been designed to fit within the architecture of the building or within the property lines and therefore have been denied.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Gayle Ortiz, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Smith, Ortiz, Newman, Welch, Westman

Minutes Acceptance: Minutes of Jun 2, 2016 7:00 PM (Approval of Minutes)

C. 1890 Wharf Road #16-043 APN: 035-031-35

Variance request and Major Revocable Encroachment Permit to extend an existing non-conforming roof overhang two feet further into the Wharf Road public right-of-way area and a Fence Permit height exception to allow for a six foot tall fence in the public right-of-way, located in the AR/R-1 (Automatic Review / Single-Family Residential) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: James P. DeMangos

Representative: James P. DeMangos, filed: 3/17/16

This item was moved to follow 5.A, 503 Capitola Ave. Commissioner Westman returned to the dais.

Planner Ryan Safty presented the staff report. The existing home is non-conforming for front and side setbacks and fence location and height. He offered images of the various non-conforming encroachments. Many neighboring properties also do not meet either setbacks or fence height. The environmental protection of Soquel Creek to the back creates a unique circumstance and since neighboring properties also encroach, the project would not be a special privilege.

Commissioner Newman said this project and location are a good example of when a variance is warranted. No commissioners had issues with the proposal.

Motion: Approve a Major Revocable Permit, Coastal Development Permit and Variance with the following conditions and findings:

CONDITIONS

1. The project approval consists of a two-foot extension to an existing roof overhang and a new six-foot-high front yard fence (top two feet are lattice material) to be located within or above the public right-of-way at Wharf Road. A Major Revocable Encroachment Permit, Variance Permit, and Fence Height Exception have been approved within this application. The proposed project is approved by the Planning Commission on June 2, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
3. Within the revocable/hold harmless agreement, the owner must agree that the removal of the structure, when so ordered by the city, shall be at the permittee's expense and not the expense of the city.
4. There shall be no additional permanent structures located within the right of way without the issuance of a major permit by the Planning Commission.
5. Prior to June 16, 2016, the applicant shall complete all submittal requirements to finalize the major revocable encroachment permit with the Public Works Department. The

revocable encroachment permit shall be recorded within 90 days of the Planning Commission approval.

6. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Community Development Director. All construction and site improvements shall be completed according to the approved plans
7. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Community Development Director approval.
8. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
9. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
10. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
11. In any case where the conditions to the granting of a permit have not been or are not complied with, the Community Development Director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefor, the planning commission may revoke the permit.
12. Prior to issuance of revocable encroachment permit and building permit, all Planning fees associated with permit #16-043 shall be paid in full.
13. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
14. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

FINDINGS

- A. **The application, subject to the conditions imposed, secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Department Staff and the Planning Commission have reviewed the project. A major revocable encroachment permit, variance permit, and fence height exception for the roof overhang and new fence will carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

B. The application will maintain the character and integrity of the neighborhood.

Community Development Staff and the Architectural and Site Review Committee have all reviewed the project. The project will maintain the character and integrity of the neighborhood. The proposed fence and roof extension to the single-family residence compliments the existing residences within the neighborhood.

C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301(e) of the CEQA Guidelines exempts minor modifications to existing structures. No adverse environmental impacts were discovered during review of the proposed project.

D. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

The strict application of the code deprives the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. There are numerous non-conforming structures within the east side of Wharf Road that extend in the required front yard setbacks and contain fences higher than the 42 inch maximum.

E. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.

The existing development pattern of the block includes many existing non-conforming buildings that do not comply with front yard setbacks and fence height and location requirements. Grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

COASTAL FINDINGS

D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections

(D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, “cumulative effect” means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.

(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project’s effects upon existing public access and recreation opportunities. Analysis of the project’s cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project’s cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;

- The proposed project is located at 1890 Wharf Road. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

- The proposed project is located along Wharf Road. No portion of the project is located along the shoreline or beach.

(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);

- There is not history of public use on the subject lot.

(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

(E)

- The proposed project is located on private property on Wharf Road. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas.

(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;

b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;

c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.

- The project is not requesting a Public Access Exception, therefore these findings do not apply

(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:

a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;

- The project is located in a residential lot.

b. Topographic constraints of the development site;

- The project is located on a steep sloping lot.

c. Recreational needs of the public;

- The project does not impact recreational needs of the public.

d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;

e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;

f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);

- No legal documents to ensure public access rights are required for the proposed project

(D) (6) Project complies with visitor-serving and recreational use policies;

SEC. 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

- The project involves a single family home on a residential lot of record.

SEC. 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

- The project involves a single family home on a residential lot of record.

c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

- The project involves a single family home on a residential lot of record.

(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;

- The project involves modification to an existing single family home. The project complies with applicable standards and requirements for provision for pedestrian access, alternate means of transportation and/or traffic improvements. Parking requirements were not required to be met due to the minor modification and being that the project does not add heated square footage.

(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;

- The project is requesting a variance from the front yard setback standards and fence height limitations of the Municipal Code, but meets the other requirements of the code. The city's architectural and site review committee reviewed the project and support the minor modifications to the existing residence.

(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

(D) (10) Demonstrated availability and adequacy of water and sewer services;

- The project is located on a legal lot of record with available water and sewer services.

(D) (11) Provisions of minimum water flow rates and fire response times;

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

(D) (12) Project complies with water and energy conservation standards;

- The project is for a minor modification to a single family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the soquel creek water district.

(D) (13) Provision of park dedication, school impact, and other fees as may be required;

- The project will be required to pay appropriate fees prior to building permit issuance.

(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;

- The project does not involve a condo conversion or mobile homes.

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

- Conditions of approval have been included to ensure compliance with established policies.

(D) (16) Project complies with Monarch butterfly habitat protection policies;

- The project is not located in areas where Monarch Butterflies have been encountered, identified and documented.

(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;

- Geologic/engineering reports prepared by qualified professionals for this project may be required. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

(D) (20) Project complies with shoreline structure policies;

- The proposed project complies with shoreline structure policies.

(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;

- This use is a principally permitted use consistent with the Single Family zoning district.

(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures, except for the variance request to the roof overhang and the fence height exception request.

(D) (23) Project complies with the Capitola parking permit program as follows:

- The project site is not located within the area of the Capitola parking permit program.

RESULT:	APPROVED [4 TO 0]
MOVER:	Linda Smith, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Smith, Newman, Welch, Westman
RECUSED:	Ortiz

D. 231 Esplanade #15-198 APN: 035-211-01

Design Permit and Conditional Use Permit for the installation of a new Verizon wireless antenna and ancillary equipment on the roof of 231 Esplanade, a mixed-use building in the CV (Central Village) Zoning District.

This project is located in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Steve Yates

Representative: Jay Gruendle, filed 12/16/15

Planner Safty presented the staff report. The proposed cell facility would be encased in a faux vent screen to match existing ones. Other equipment located on the parapet wall is not visible from the street, but could be seen from neighboring buildings. He offered images from various elevations. FCC regulations override local zoning restrictions if the application can prove a service gap and the location is the least intrusive option. Third-party review supports the exception. Environmental concerns about radio frequency emissions are not grounds for denial based on federal law.

Jay Greundle spoke on behalf of the application. He noted the substantial gap in service, reiterated that the location is the best choice, and visual impacts have been mitigated.

Commissioner Smith asked about the generator plug and how it extends into the sidewalk.

Mr. Greundle described it as an Appleton plug. The generator is pulled on trailer and connects similar to a hose nozzle. He could not provide amperage.

Raj Mathur of Hammett and Edison, engineer, spoke in favor of the application. He evaluated the site for FCC standards and said they are 10 times below the limits. Commissioner Smith confirmed that emissions are not as strong for the residence under the facility since the waves extend horizontally.

Peter Wilk, Fanmar resident, questioned the need for a vent screen rather than the device itself since no standard roof equipment is attractive.

Marylin Garrett spoke in opposition to the project. She expressed frustration with the FCC exception for environmental concerns and questioned the evaluation of the levels. She distributed a summary of a recent National Toxicology Program study that concluded microwaves cause cancer.

Randall Tyler, whose mother lives on Prospect and is battling cancer, expressed concern about the project. He is disappointed that local regulations are overridden especially for locating near residences.

Sylvia Skefich, chiropractor, echoed concerns from findings in the recent study. She questioned why environmental concerns cannot be considered. She noted some conclusions come from proprietary information that the public cannot confirm. She will reach out to federal representatives to address these concerns.

Commissioner Westman asked if the faux vent screen causes the tower to exceed the height limit. The antenna is two feet, so unscreened it is beneath the height limit.

Commissioner Newman asked for clarification on the commercial use prohibition, which staff interprets as inhabited space.

Commissioner Smith expressed concern about the Appleton plug, which it appears would extend at least four inches into the sidewalk area. She wants it masked and does not support the parked generator.

Commissioner Westman is more concerned with noise from the generator.

Commissioner Smith said federal law limits the scope of review and she is not comfortable ignoring a law. She does not feel the screen is needed.

Commissioner Westman agrees that the Planning Commission decision should not challenge law. She supports those who would work to have laws changed at federal level.

Commissioner Ortiz asked why our ordinances are not supported. Director Grunow said our zoning code predates laws limiting their scope.

Commissioner Newman also supports eliminating the screen to keep it within the height limit and would eliminate the plug.

Motion: Approve a Design Permit, Coastal Development Permit and Conditional Use Permit with the following conditions and findings:

CONDITIONS OF APPROVAL

1. The project approval consists of a new, small-cell wireless antenna facility on to an existing mixed-use commercial and residential building at 231 Esplanade. The small-cell wireless antenna ~~will be screened with a faux vent that extends~~ roughly 2 feet 8 inches above the existing roofline. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on June 2, 2016, except as

modified through conditions imposed by the Planning Commission during the hearing.

2. The small-cell wireless antenna will not be screened with a faux vent and must be located under the required 27-foot height limit for structures in the Central Village zone. shall be screened at all times. Any modifications to the screening in the future require review and approval by the Planning Commission.
3. All Planning fees associated with permit #15-198 shall be paid in full.
4. The applicant was granted a design permit, conditional use permit, and location exemption for the installation of a new, small-cell Verizon wireless antenna facility on the rooftop of the existing ~~commercial~~ mixed-use building at 231 Esplanade. In any case where the conditions of the permit are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefore, the Planning Commission may revoke the permit.
5. The proposed backup generator was denied by the Planning Commission. The Community Development Director may approve of the generator facility if the applicant revises plans to show the plug removed from the front wall along Esplanade, the proposed location of the backup generator moved out of public parking, and noise reduction measures incorporated with the generator to meet City noise regulation standards as listed in the General Plan.
6. The applicant must maintain a bond or other form of security to the City's satisfaction throughout the life of the project. The bond must be approved by the Community Development Director and be signed by both parties prior to building permit issuance.
7. The wireless communication facilities shall comply with all Federal Communication Commission (FCC) rules, regulations, and standards. Every two years the wireless telecommunications service provider shall submit to the director of community development: (1) a certification by a licensed engineer that the emissions are within the current FCC standards; and (2) a report on the level of cumulative radio frequency emissions within an eight hundred-foot radius from the subject antenna.
8. All roof-mounted facilities shall be painted with a non-reflective matte finish using an appropriate color that blends with the backdrop. The final choice of colors shall be approved by the community development department, in accordance with section 17.98.120 of the Capitola Municipal Code.
9. The wireless communications facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to adjacent uses and activities. Backup generators shall only be operated during power outages and for testing and maintenance purposes. At any time, noise attenuation measures may be required by the director when deemed necessary.

10. Testing and maintenance activities of wireless communications facilities which generate audible noise shall occur between the hours of eight a.m. and five p.m., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the director. Testing and maintenance activities, which do not generate audible noise, may occur at any time, unless otherwise prohibited by the director.
11. All wireless communications providers shall provide signage, as required by the director, which shall identify the name and phone number of the wireless communications provider for use in case of an emergency.
12. The new wireless communications facilities shall be maintained by the wireless service provider in good condition. This shall include keeping all wireless communications facilities graffiti free.
13. At time of Building Permit submittal, the wireless carrier applicant must submit equipment specifications for all proposed rooftop equipment in order for the Building Department to verify existing structure's load capacity. The Building Department may require a report prepared by a structural and electrical engineer.
14. The wireless communications facility which provides service to the general public shall be designed to survive a natural disaster without interruption in operation. To this end, the measures listed in section 17.98.200 of the Municipal Code shall be implemented.
15. Wireless communications providers shall provide the city with a notice of intent to vacate a site a minimum of thirty days prior to the vacation, and all other forms of cessation of operation on-site shall follow the rules and regulations set forth in Municipal Code section 17.98.210.
16. In the event that the original permittee (Verizon) sells its interest in a wireless communication facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the city for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name for the project (#15-198) shall be provided by the succeeding carrier to the community development department within thirty days of transfer of interest of the facility.
17. This permit shall be valid for a period of ~~five~~ ten years. An approval may be extended administratively from the initial approval date for a subsequent ~~five~~ ten years and may be extended administratively every ~~five~~ ten years thereafter upon the verification of the wireless communications provider's continued compliance with Municipal Code chapter 17.98 and with the findings and conditions of approval under which the application was originally approved. This does not apply to preexisting legal nonconforming uses.
18. Should the director determine that the wireless communications facility may no longer be in compliance, the director may, at his or her discretion, schedule a public hearing before the planning commission at which the planning commission may modify or revoke an approval in accordance with chapter 17.98.240 of the Municipal Code.
19. All wireless communications facilities shall meet the current standards and regulations of the Federal Communications Commission, the California Public Utilities Commission,

and any other agency of the federal or state government with the authority to regulate wireless communications providers. If such standards and regulations are changed, the wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within ninety days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring wireless communications facilities into compliance with such revised standards and regulations shall constitute grounds for the immediate removal of such facilities at the wireless communications provider's expense.

FINDINGS

A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.

The Planning Commission reviewed and approved the applications with conditions of approval with respect to the maintenance, design and operation of the use to ensure that the new wireless facility will not have a negative impact on the surrounding commercial and residential uses and secure the general purposes of the Zoning Ordinance and General Plan.

B. The application will maintain the character and integrity of the neighborhood.

The Planning Commission reviewed and approved the application with conditions of approval to ensure that the antenna is screened from public view so as to preserve the character and identity of the neighborhood.

C. This project is categorically exempt under the Section 15303 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

The proposed project involves the construction of a new, small-cell Verizon wireless antenna facility. The project will result in a minor modification to the exterior of an existing structure. Section 15303 exempts new small structures and minor modifications to the exterior of an existing structure.

COASTAL FINDINGS

D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and

probable future projects, including development allowed under applicable planning and zoning.

(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;

- The proposed wireless antenna project is proposed to be located on an existing mixed-use building at 231 Esplanade. The existing building is located in an area with coastal access, but the new antenna will not have an effect on public trails or beach access.

(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;

- The proposed project is located along Esplanade, adjacent to the beach. The proposed wireless facility will not affect the public beach or shoreline.

(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance

performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);

- There is not history of public use on the subject lot, however it is located in an area with history of heavy public use.

(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The proposed project is located on private property on Esplanade. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.

- The proposed project is located on private property rooftop and will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas.

(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:

a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;

b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;

c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.

- The project is not requesting a Public Access Exception, therefore these findings do not apply.

(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:

a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;

- The project is located in the Central Village, adjacent to the coast and Soquel Creek Riparian Corridor. The proposal consists of a minor structural addition to an existing roof top. The use will not be limited to seasons or hours. The project is required to comply with FCC regulations related to environmental and public health and safety.

b. Topographic constraints of the development site;

- The project is located on a flat lot.

c. Recreational needs of the public;

- The project does not impact recreational needs of the public, however it will be visible from public right-of-ways.

d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;

e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;

f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.

(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);

- No legal documents to ensure public access rights are required for the proposed project

(D) (6) Project complies with visitor-serving and recreational use policies;

SEC. 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

- The project is proposed to be located on an existing mixed-use lot of record.

SEC. 30223

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

- The project is proposed to be located on an existing mixed-use lot of record.

c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.

- The project is proposed to be located on an existing mixed-use lot of record.

(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;

- The project involves an antenna addition to an existing mixed-use building. The proposal does not affect parking, and thus complies with applicable

standards and requirements for provision for parking, pedestrian access, and alternate means of transportation and/or traffic improvements.

(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;

- The project complies with the design guidelines and standards established by the Municipal Code.

(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;

- The project will not negatively impact public landmarks and/or public views. The project will not block public views to and along Capitola's shoreline, however it will be slightly visible to the public.

(D) (10) Demonstrated availability and adequacy of water and sewer services;

- The project is located on a legal lot of record with available water and sewer services.

(D) (11) Provisions of minimum water flow rates and fire response times;

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

(D) (12) Project complies with water and energy conservation standards;

- The project is for a new small-cell wireless antenna facility. The GHG emissions for the project are projected at less than significant impact. No water fixtures are proposed.

(D) (13) Provision of park dedication, school impact, and other fees as may be required;

- The project will be required to pay appropriate fees prior to building permit issuance.

(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;

- The project does not involve a condo conversion or mobile homes.

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

- Conditions of approval have been included to ensure compliance with established policies.

(D) (16) Project complies with Monarch butterfly habitat protection policies;

- The project is outside of any identified habitats where Monarch Butterflies have been encountered, identified and documented.

(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;

- Geologic/engineering reports are not required for this application. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

(D) (20) Project complies with shoreline structure policies;

- The proposed project is not located along a shoreline.

(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;

- The use is not allowed where it is proposed, being that it is within 500 feet of a restricted residential zone. An exception was made to the location standards due to the “significant gap” and “least intrusive means” findings.

(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;

- The project does not conform in that it is proposed in a restricted area.

(D) (23) Project complies with the Capitola parking permit program as follows:

- The project will not affect the Capitola parking permit program.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Linda Smith, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Smith, Ortiz, Newman, Welch, Westman

6. ADJOURNMENT

Approved by the Planning Commission at the regular meeting of July 21, 2016.

Linda Fridy, Minutes Clerk



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JULY 21, 2016
 SUBJECT: **3801 Clares Street #16-117 APN: 034-261-47**

Modification to the existing Conditional Use Permit to extend the hours of operation of a dialysis treatment center in the CC (Community Commercial) Zoning District.

This project is not located in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: Capitola Roth Investments, LLC

Representative: Frank E. Jesse, filed: 6/8/16

APPLICANT PROPOSAL

The applicant is proposing a modification to the previously approved conditional use permit to extend the hours of the dialysis center operation. The hours were initially approved for 6:00 a.m. - 9:00 p.m. The applicant is proposing to extend the operation hours to 6:00 a.m. - 12:00 midnight. The subject property is located at 3801 Clares Street, in the CC (Community Commercial) Zoning District.

BACKGROUND

On April 8th, 2011, the Planning Commission denied the application for a Conditional Use Permit for a medical office use (dialysis clinic) in the CC Zoning District. The Planning Commission had concerns with the medical use being located within a retail center. The denial was appealed to the City Council. On May 16, 2011, the City Council upheld the appeal and approved the dialysis center conditional use permit with the following conditions:

1. The project approval consist of a Conditional Use Permit to operate a medical office/clinic within an existing vacant commercial space located at 3801 Clares St.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Business hours will be limited to 6:00 a.m. – 9:00 p.m.
5. The applicant shall obtain approval for a Sign Permit through the Community Development Department.

6. The applicant shall obtain a business license prior to operating the business.
7. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
8. The applicant shall submit a landscape plan to enhance the existing landscaping on the site. The plan shall be reviewed and approved by the Community Development Director, and the landscaping installed prior to final occupancy.

DISCUSSION

Satellite Healthcare is a not-for-profit organization proposing change their operation hours at the Capitola facility from the current allowance of 6:00 a.m. - 9:00 p.m. to close at midnight. Satellite Healthcare is open Monday through Saturday. The facility contains 25 dialysis chairs which are occupied by a patient anywhere from 3 - 5 hours. Each patient comes in three days a week (Monday, Wednesday, Friday or Tuesday, Thursday, Saturday) for treatment.

The applicant has identified a need to extend operation hours due to an increase in demand for dialysis chairs by Capitola's residents. Later hours are preferred for patients who have full time jobs and cannot make it to the facility until after work. The additional three hours is meant to serve as an additional "shift" to accommodate these patients. No additional chairs are proposed, therefore there will be no increase in hourly visitation rates.

Current operation hours accommodate an average of 64 patients a day. The proposed extended operation hours will serve an additional 12 to 14 patients, totaling to 76 to 78 patients per day. There will be no change in the number of staff members. A total of four staff members will remain on site during the extended hours to manage the facility and attend to patients.

Parking is located along the southern, western, and northern sides of the building. The southern (front) lot contains a total of 20 parking spaces including 4 handicapped spots. The western (side) lot contains 11 parking spaces. The northern (back) lot contains 17 parking spaces. Patients park in the front or side of the building. The back parking lot is typically utilized by staff members. Patient drop off and pick up is located in the front of the building. Some patients use METRO ParaCruz however the shuttle stops operating by 5:30 p.m.

Dumpsters and a delivery area is located in the back of the building. Trash pickup and deliveries are performed during morning hours after 10:00 a.m. The extended hours will not cause a change in pickup and delivery times.

The subject property contains a 7,896 square foot building. Per the Parking Ordinance, medical office and clinics require one space for each 300 square feet of gross floor area or five space per doctor, whichever is greater. Due to the nature of this type of medical clinic, it is not possible nor appropriate to apply the requirement for spaces per doctor. Therefore, at one space for each 300 square feet of floor area, the proposed use exceeds the required 27 parking spaces.

Patients utilizing the chairs during the extended hours will arrive as late as 7:30-8:00 p.m.. Since the treatment takes a minimum of 3 hours, patients arriving at this time will be leave before the midnight closure time.

Pursuant to 17.60.030, in considering a CUP, the Planning Commission must give due regard to the nature and condition of all adjacent uses and structures. In issuing a CUP, the commission may impose requirements and conditions with respect to location, design, siting, maintenance

and operation of the use as may be necessary for the protection of the adjacent properties and in the public interest. The commission may include such conditions as the commission deems reasonable and necessary under the circumstances to preserve the integrity and character of the district and to secure the general purposes of the zoning code and general plan. Such conditions may include time limitations.

The dialysis center is located in the Community Commercial zone and adjacent to the R-1 (single-family) zone. There are three single-family residences located to the north behind the dialysis center. A Pier 1 retail store is located to the east, Browns Ranch multi-tenant commercial center to the west, and the mall to the south of the dialysis center.

In reviewing the request to extend the hours of operation, impacts to the surrounding properties must be assessed. The dialysis center is a medical facility that has limited influence on neighboring properties due to the function of the dialysis being primarily internal. The facility functions as a small medical office with minor impacts to the outside other than parking, deliveries, and increased traffic.

Impacts of extending the hours from 9 p.m. to midnight are noise and lighting in the late night hours. The area between the dialysis center and the single-family homes is utilized as employee parking, deliveries, and trash storage. There is a 6 ½ foot high concrete wall located between the dialysis center and the homes used to mitigate noise and lighting impacts. Two lamp posts are located in the planter area between the parking lot and the concrete wall. These lamp posts are controlled by photocells and respond to daylight. Two motion detector operated lights are located in the back of the building underneath an overhang and are utilized to thwart burglary and vandalism. The extended hours will not change any outdoor lighting at the site.

The Planning Commission may include reasonable conditions to preserve the integrity and character of the district. Brown's Ranch has conditions tied to its master use permit that deliveries and garbage pickup are limited to the hours of 8:00 a.m. to 5:00 p.m. Staff included condition of approval #9 to mirror the delivery and trash pickup requirements of Brown's ranch. Condition of approval #10 requires a sign next to the employee exit stating that the back parking area is a quiet zone after 7 pm. No idling or loitering allowed. The original conditions of the permit that are still relevant to the conditional use permit are included.

CEQA

This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves the extension of operation hours for a dialysis facility. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

RECOMMENDATION

Staff recommends the Planning Commission review the application and **approve** application #16-117 for an extension of operation hours to a previously approved application # 12-116, based on the findings and conditions.

CONDITIONS OF APPROVAL

1. The project approved consists of a Conditional Use Permit to operate a medical office/clinic within an existing vacant commercial space located at 3801 Clares Street.

2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Business hours will be limited to 6:00 a.m. – 12:00 a.m.
5. The applicant shall obtain approval for a Sign Permit through the Community Development Department.
6. Deliveries and trash pickup are limited to the hours of 8:00 a.m. to 5:00 p.m. daily.
7. A notice must be posted at all times next to the employee exit stating that the back parking area is a quiet zone after 7 pm. No idling or loitering is allowed.

FINDINGS

(A) The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.

Community Development Department Staff and the Planning Commission have reviewed the application and determined that the proposed business may be granted a modification to the existing conditional use permit to extend the operation hours until midnight within the CC Zoning District. The use meets the intent and purpose of the Community Commercial Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

(B) The application will maintain the character and integrity of the neighborhood.

Community Development Department Staff and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and maintains the character and integrity of this area of the City. Conditions of approval have been included to carry out these objectives.

(C) This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

The proposed project involves the extension of operation hours for a dialysis center. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

ATTACHMENTS:

1. Frank Jesse Letter

Prepared By: Katie Cattan
Senior Planner

July 11, 2016

City of Capitola

Planning Department

420 Capitola Avenue

Capitola, California 95010

RE: CUP Project Application for extending operating hours

2801 Clares Street, Capitola, California

Capitola Planning Department:

Satellite Healthcare, Inc., a not-for-profit medical provider of dialysis and renal care, submits this request for a short amount of additional time to remain open for our patients, under the terms of our existing Conditional Use Permit, to enable us to better serve our City of Capitola patients. Dialysis treatment is fundamental to the health and survival of patients suffering with End Stage Renal Disease, but the required long duration of the treatment process (approximately 3 hours each visit) can inhibit a normal lifestyle and work schedule. By offering one additional treatment “shift” in the evening, patients would be much more able to maintain a normal work schedule and employment, as the treatments would be able to be accomplished at a time after their work day.

Through this request to extend our hours from a current required closing time of 9 PM to the desired modification to 12 AM, we would be enabled to provide an additional “shift” to accommodate these patients desiring to dialyze in the evening, preserving their work day hours, and facilitating an improved quality of life—a central objective of our patient centric care as a community not-for-profit healthcare provider. Furthermore, we are close to capacity operating with the current 3 shifts, so providing a 4th shift would assure capacity to continue to successfully provide this life critical service to the Capitola community.

The added three hours of operational time would not cause any changes in staffing levels (some staff—typically 4 people, would simply be working a longer shift). Thus, there would not be any associated greater vehicle counts at the site compared to the current operational hours, nor would there be any deliveries or activities that could generate noise or other environmental impacts. (All deliveries of medical supplies, etc. strictly occur only during normal business hours.)

The City of Capitola Planning Staff have asked us to specifically address the following questions regarding adding the few hours to our operational schedule:

How many patients are currently served on average per day by the center? Maximum 72 physically possible by total dialysis chair count; **typical average of 64.**

How many patients would be added by having the additional shift of patients? Maximum 24 physically possible by total dialysis chair count; **expect 12 to 14.**

What changes would occur in terms of site lighting? None. We never changed any of the lighting of the site—even with our original construction in 2012. There are two relatively low mounted parking lot

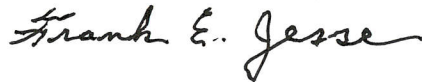
Attachment: Frank Jesse Letter (1543 : 3801 Clares Street)

lights serving the back area of the site, that have always been controlled by photocells responding to daylight, and these were in place prior to our occupancy at the site. There are motion detector operated lights under the back porch area to thwart burglary and vandalism. There is tall, dense evergreen screening across the entire rear property line.

What measures are necessary to prevent voices or noise at the sides or rear of the site? While the Planning Staff have proposed signs instructing 'No noise or Loitering' be installed at the side of the building (which we can provide if so instructed), there is very minimal use of that door – with staff (4 people) primarily leaving the building through the front door, particularly for this evening shift. (The rear door is purely a fire emergency exit). The burglar alarm control is also at the front door, so there would be little reason for staff members to exit at the end of the day via the side door. Both staff and patients will tend to park at the front of the building, particularly for the proposed evening shift, as that is where the building entrance is.

We hope the City of Capitola shares our desire to provide services to the growing population of patients requiring dialysis, will facilitate our efforts to optimize the lives of our Capitola center patients, and will approve this minor modification to our approved operating hours.

Respectfully,



Frank E. Jesse

Vice President, Real Estate and Facilities



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: JULY 21, 2016
 SUBJECT: **145 Wesley Street #16-056 APN: 036-172-02**

Design Permit for a remodel, expansion of existing garage, and second story addition to an existing single-family home located in the R-1 (Single-Family Residential) Zoning District.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Noah and Heather Fox

Representative: Judy and Wayne Miller, filed: 04/13/2016

APPLICANT PROPOSAL

The application is for a design permit to remodel the existing first story with a new covered entryway and enlarged garage, and construct a new 1,087 square foot second-story addition onto the single-family home located at 145 Wesley Street. The project is located in the R-1 (Single-Family Residential) Zoning District.

BACKGROUND

On May 11, 2016, the application was reviewed by the Architectural and Site Review Committee. The committee provided the following direction to the applicant:

City Planner, Ryan Safty: Informed the applicant that the design did not comply with height and setback requirements for the R-1 zone. He also requested details on the trellis and bay window.

Building Official, Brian Van Son: Informed applicant of fire regulations.

Public Works Representative, Danielle Uharriet: Required a site drainage plan to be submitted with the planning application.

Local Architect, Frank Phanton: Identified a concern with the second story deck and windows on the south side of the building relative to privacy. Otherwise, he thought the overall design of the home was an improvement and suggested that the owner utilize a quality rock veneer product that looks real.

Local Landscape Architect, Megan Bishop: Requested that the details of the trellis be shown on the plans.

Following the request of the Architectural and Site Review Committee, the applicant modified the design of the home to decrease the height, remove the second story deck, and change the design of the windows on the south side. A detail of the trellis was added to the plans.

Site Planning and Zoning Summary

The following table outlines the development standards for structures in the R-1 Zoning District relative to the application. The application is in compliance with all applicable development standards of the zone.

R-1 (Single Family Residential) Zoning District

Development Standards			
Building Height	R-1 Regulation		Proposed
	25'-0"		25'
Floor Area Ratio (FAR)			
Lot Size	6428 sq. ft.		
Maximum Floor Area Ratio	48 % (Max 3,085 sq. ft.)		
First Story Floor Area	1,965 sq. ft.		
Second Story Floor Area	1,087 sq. ft.		
Covered and Second Story Decks	114 sq. ft. (up to 150 exempt)		
TOTAL FAR	3,052 sq. ft.		
Yards (setbacks are measured from the edge of the public right-of-way)			
Corner lot? If yes, update regulations for corner lots			No
	R-1 Regulation		Proposed
Front Yard 1 st Story	15 feet		19 ft. from right-of-way
Front Yard 2 nd Story & Garage	20 feet		34 ft. from right-of-way
Side Yard 1 st Story	10% lot width	Lot width 62 6 ft. min.	6 ft. from property line
Side Yard 2 nd Story	15% of width	Lot width 62 9 ft. min	9 ft. from property line
Rear Yard 1 st Story	20% of lot depth	Lot depth 100 20 ft. min.	34 ft. from property line
Rear Yard 2 nd Story	20% of lot depth	Lot depth 100 20 ft. min	34 ft. from property line
Encroachments (list all)			Second story bay window complies with encroachments and 20% allowance.
Parking			
	Required		Proposed
Residential (from 2,601 up to 4,000 sq. ft.)	4 spaces total 1 covered		4 spaces total 2 covered 2 uncovered
Garage and Accessory Bldg.	Complies with Standards?		List non-compliance
Garage	Yes		Complies
Accessory Building	N/A		N/A
Underground Utilities: Required with 25% increase in area			Yes. Underground Utilities required.

DISCUSSION

The home at 145 Wesley Street is located in the Cliffwood Heights neighborhood. Properties throughout Cliffwood Heights are relatively larger than most R-1 properties within the City. There are a mix of one and two-story homes throughout the neighborhood. Multi-family properties are located along the periphery of the neighborhood along Park Avenue and Kennedy Drive.

The subject property contains an existing one-story 1,782 square foot home. The applicant is proposing to remodel the existing first story with a new covered entryway and enlarged garage, and construct a new 1,087 square foot second-story addition to the home (Attachment 1). The exterior of the home will be completely updated. The existing front door is located on north elevation oriented toward the driveway. The entry to the home will be improved with a covered porch leading to a front door oriented to the street. Currently, the exterior finish consists of stucco and T-11 siding. The remodel will introduce a stone wainscot on the first story and shingle siding on the second story. The new roof will have one and a half foot overhangs and incorporate knee brace finishes throughout to create a craftsman look. The color and materials board includes a mock-up of the proposed finish details in color (Attachment 2).

The landscape plan includes a new walkway leading from the sidewalk to the new front porch, pervious pavers along the side of the home, and buffalo turf grass installed above a retention area in the front yard. One crepe myrtle tree and one olive tree will be planted in the front yard along with a mix of perennials. A new ten foot high trellis will be installed along the rear property line in front of the existing fence.

CEQA REVIEW

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures. This project involves construction of a 1259 square foot addition to an existing home in the R-1 (Single-Family Residential) Zoning District that is not located in an environmentally sensitive area. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission review the application and **approve** project application #16-056, based on the conditions and findings of approval.

CONDITIONS

1. The project approval consists of remodel of the first floor, a 172 square foot addition to the garage and a 1,087 square foot addition of a new second-story to an existing 1,782 square foot residence. The maximum Floor Area Ratio for the 6428 square foot property is 48% (3,085 square feet). The total FAR of the project is 3,052 square feet, compliant with the maximum FAR within the zone. The proposal also includes a 114 square foot covered entryway, which is not counted towards the FAR. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 21, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.

4. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
5. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
7. Prior to issuance of building permit, all Planning fees associated with permit # 16-056 shall be paid in full.
8. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction

of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.

16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
20. In any case where the conditions to the granting of a permit have not been or are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefor, the Planning Commission may revoke the permit.

FINDINGS

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single family home. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. The project as designed maintains the character and integrity of the neighborhood. The proposed addition with front entryway compliments the existing single-family homes in the neighborhood.

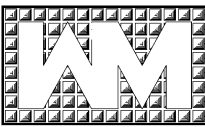
- C. **This project is categorically exempt under Section 15301-E of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

This project involves the addition to an existing single-family residence in the R-1 (Single-Family Residential) Zoning District. Section 15301-E of the CEQA Guidelines exempts additions to existing homes in a residential zone.

ATTACHMENTS:

1. 145 Wesley Plans

Prepared By: Katie Cattan
Senior Planner



DESIGNED BY
WYNNE MILLER
 P.O. BOX 924
 FREEDOM, CA 95018
 (925) 724-1522
 wynnemiller.com

LANDSCAPE PLAN

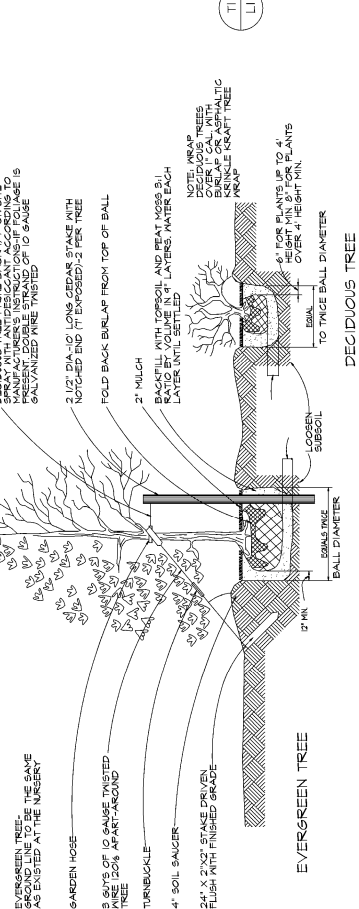
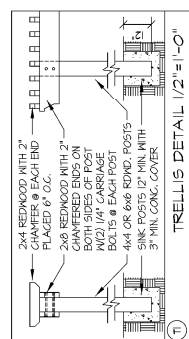
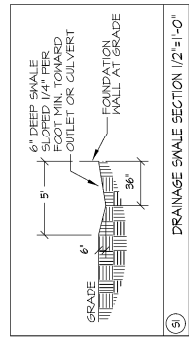
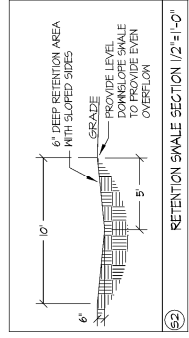
VERSION: 5-20-16
 SCALE: 1/8"=1'-0"
 FILE NAME: FOX
 11 OF 18

PLANTING SCHEDULE

A. Day Lilly = Hemerocallis illocephaloides	1 Gallon
B. California Meadow Sage = Coreopsis	1 Gallon
C. Geranium = Geranium serricatum	1 Gallon
D. Salvia = Salvia divaricata	1 Gallon
E. Actinophylos = Manzanita Emerald Carpet	1 Gallon
F. Lavender = Lavandula Angustifolia	1 Gallon
G. White Dawn = Rosa*	1 Gallon
T1 Crepe Myrtle = Lagerstroemia speciosa	15 Gallon
T2 Olive = Olea Europaea	15 Gallon
L. Hemetrite Solar Power Carriage Path Lights	
Flats	
• Dichondra = Dichondra domelliana	Plugs or Seed
• Buffalo Grass = Bouteloua gracilis	Plugs or Seed

*Flat Flagstones to be set in as depressed and filled sand bed with 2 to 4 inch spacing and planted with Dichondra in sand/putting mix.

NOTES: ALL 1 GALLON PLANTS TO HAVE DRIPPERS AND ALL PLANTS TO HAVE POP-UP CONTROLS WITH RAIN SENSORS. ALL LANDSCAPING TO CONFORM WITH THE CALIFORNIA WATER-EFFICIENCY STANDARDS.

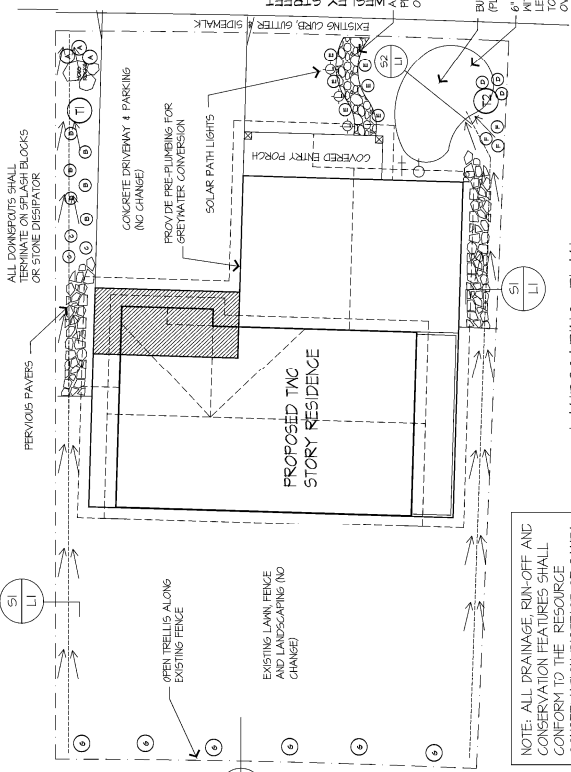


SPRINKLER LEGEND

- HOSE BIB
- AUTO-VALVE
- APPROVED BACKFLOW VALVES-TYP.

NOTE: ALL DRAINAGE RUN-OFF AND CONSERVATION FEATURES SHALL CONFORM TO THE RESOURCE CONSERVATION DISTRICT OF SANTA CRUZ COUNTY PUBLICATION "SLOAN II. SPREAD II. SINK III."

ALL AFFECTED PLANTS AND TREES SHALL BE PROTECTED DURING CONSTRUCTION



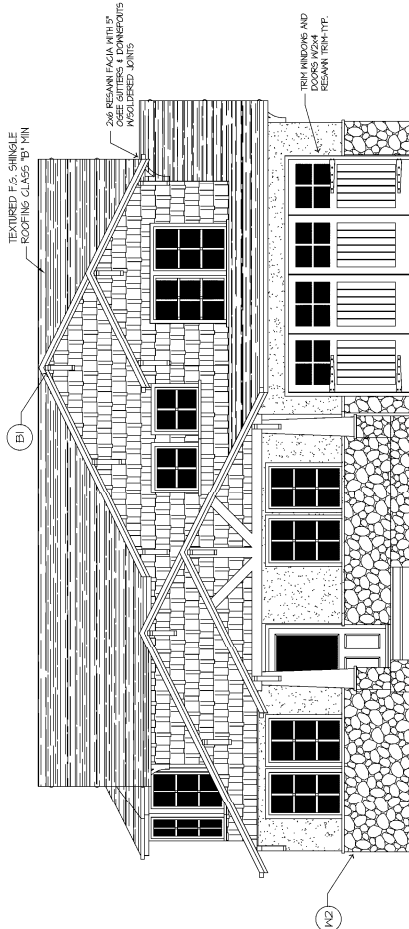
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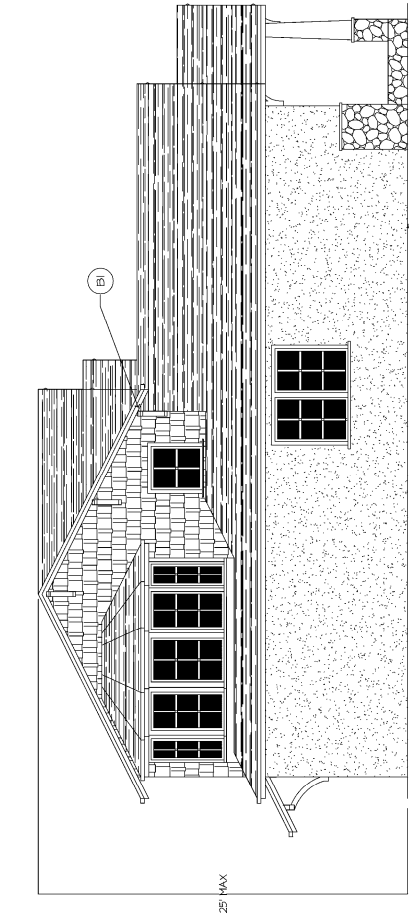
DESIGNED BY
MAYNARD MILLER
P.O. BOX 1824
FREEDOM, CA 95014
(925) 724-1524
moyf@ccatd13200.com

ELEVATIONS

VERSION: 5-7-16	SCALE: 1/4"=1'-0"	FILE NAME: FOX	2 OF 2
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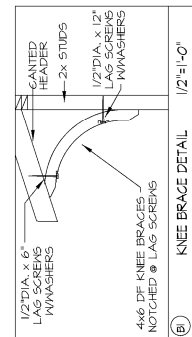
FRONT ELEVATION
EAST SIDE



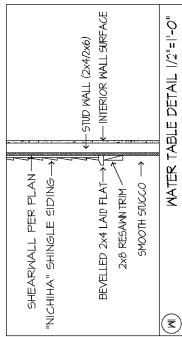
LEFT ELEVATION
EAST SIDE

NOTE:
COVER ALL STICKEED WALLS WITH 5/8\"/>

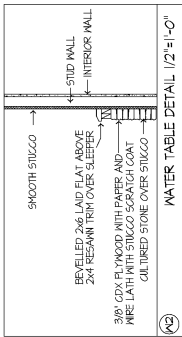
PROVIDE SMOOTH TRAVELLED STICCO SIDING OVER TWO LAYERS OF GRADE D BUILDING PAPER FOR MOISTURE BARRIER WITH CONTINUOUS KNEE BRACE SET AT 2 INCH INTERVALS AND 1/2\"/>



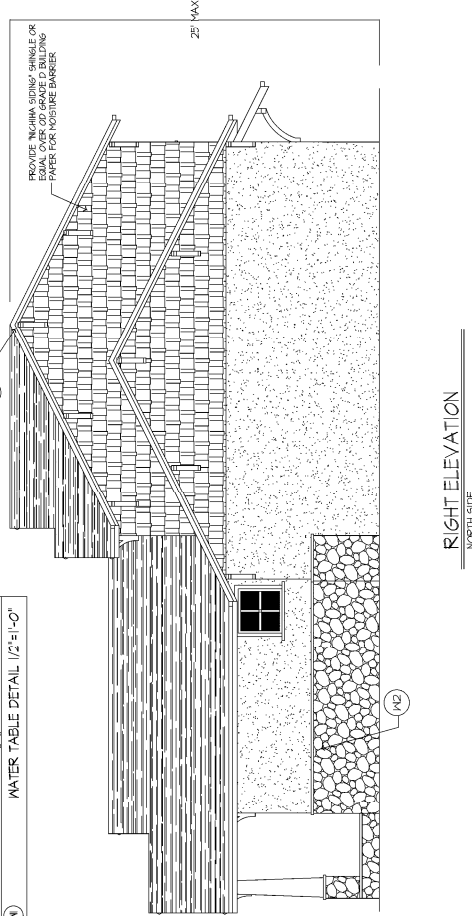
KNEE BRACE DETAIL 1/2"=1'-0"



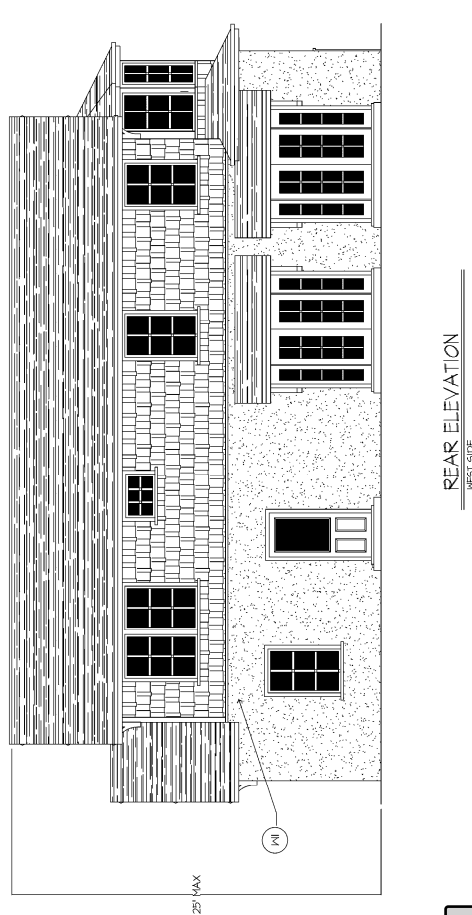
WATER TABLE DETAIL 1/2"=1'-0"



WATER TABLE DETAIL 1/2"=1'-0"



RIGHT ELEVATION
NORTH SIDE



REAR ELEVATION
WEST SIDE

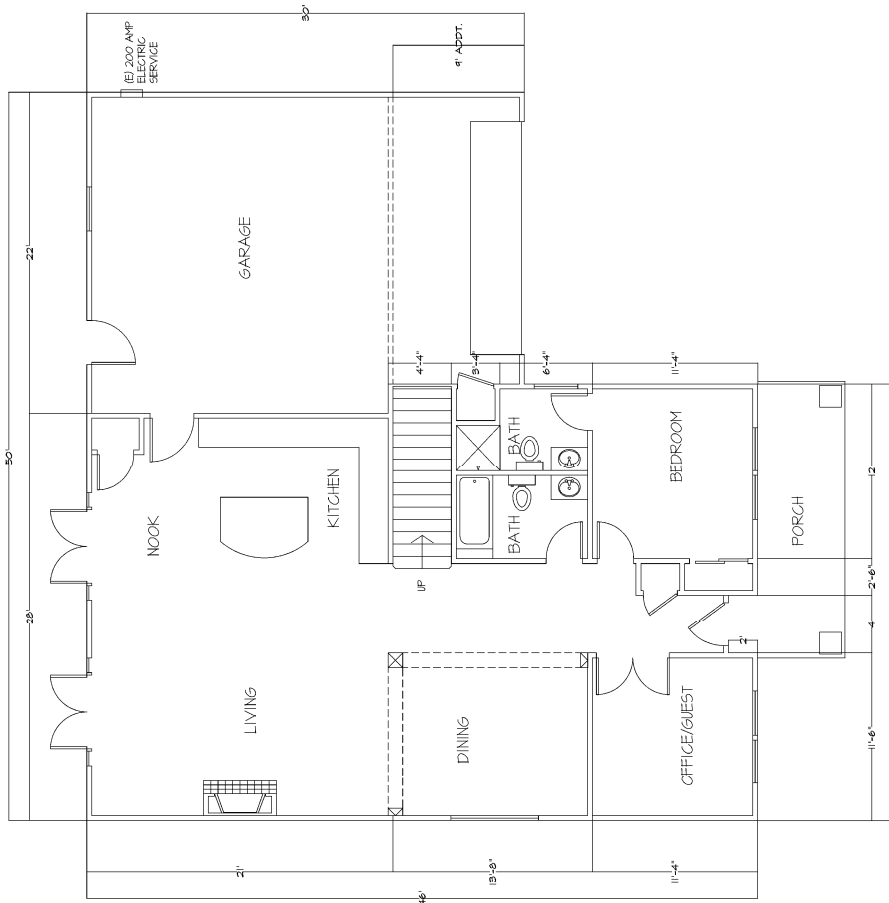


DESIGNED BY
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 wml@aol.com

Heather & Noah Fox, 145 Wesley Street, Capitola, CA APR. 03-12-02

PROPOSED FLOOR PLAN

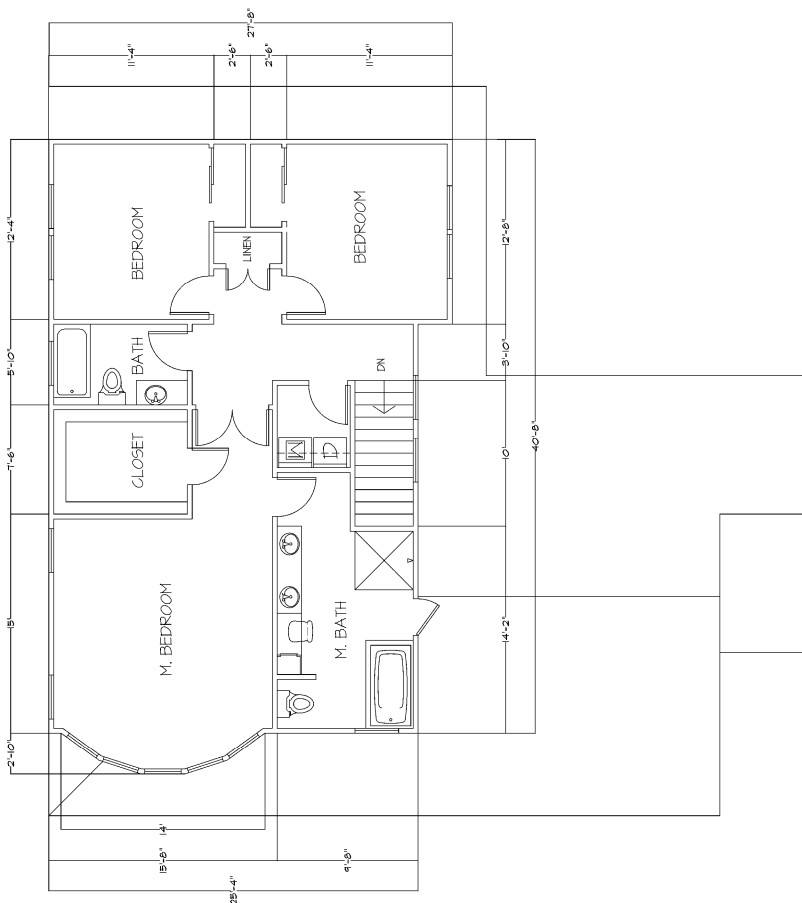
VERSION:	5-7-16
SCALE:	1/4" = 1'-0"
TITLE NAME:	FOX



AREA TABULATION:

PROPOSED (CONDITIONED):	2414 SQFT
PROPOSED (UNCONDITIONED), O.O. SQFT:	
TOTAL CONDITIONED:	2414 SQFT
GARAGE:	629 SQFT
UPPER DECK:	144 SQFT
ATTIC (OVER 5'):	NA
BASEMENT (OVER 1.0'):	NA
FOOTPRINT:	1965 SQFT
TOTAL AREA:	3052 SQFT

3052 SQFT TOTAL FLOOR AREA
 6420 SQFT NET PARCEL AREA
 41.5% FLOOR AREA RATIO



COLORS AND MATERIALS FOR PROPOSED RESIDENCE

145 WESLEY STREET, CAPITOLA, CA

APN-036-172-02



Attachment: 145 Wesley Plans (1451 : 145 Wesley Street)

ALL PAINT COLORS ARE BENJAMIN MOORE



"Taupe" HC-85
Stucco



"Oak Bark "
Trim, Doors & Beams



"Williamsburg Slate"
GAF Timberline®



"Nichifrontier"
Wall Shingles



"Big Bear LedgeStone"
Wall Stone



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: JULY 21, 2016

SUBJECT: **Verizon Wireless Antenna Facility at Utility Pole #3501 adjacent to 2091 Wharf Road #15-109**

Design Permit and Conditional Use Permit for the installation of a new Verizon wireless antenna and ancillary equipment on an existing utility pole in the Wharf Road right-of-way in the R-1 (Single-Family Residential) Zoning District. This project is not located in the Coastal Zone and does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption
 Property Owner: Pacific Gas & Electric
 Representative: Jason Osborne, filed 6/30/15

APPLICANT PROPOSAL

The applicant is proposing to construct a new wireless antenna facility on an existing wooden utility pole located within the Wharf Road public right-of-way. The new antenna would increase the height of the existing utility pole by seven feet-eight inches, and would be visible from Wharf Road. The proposed antenna facility would not comply with location standards established by the Capitola Zoning Ordinance.

BACKGROUND

On June 30th, 2015, the City received an application from Verizon. On August 12th, 2015, the application was reviewed by the Architectural and Site Review Committee. During the meeting, public works staff informed the applicant that an encroachment permit is required prior to any work within the public right-of-way, and planning staff informed the applicant that the application was incomplete and additional information is required to continue processing the application, including documentation of a significant coverage gap and evidence that the facility would be the least intrusive means to address the gap. The applicant has since provided the necessary information. On June 13th, 2016, the application was deemed complete.

ANALYSIS

A wireless facility that is not co-located, is located within the right-of-way of a restricted zone, and does not incorporate stealth technology, requires a Conditional Use Permit (§17.98.040). The Capitola Municipal Code restricts wireless antenna facilities from being located within 500 feet of a residential, public facility, transient rental use, or parks and open space zoning district. In addition to the required 500 feet setback to restricted zones, the code also states that "in no event" may a new wireless facility be located within 300 feet of a restricted zoning district. (Attachment 2).

The proposed wireless antenna would be located on an existing utility pole located within the Wharf Road public right-of-way in the R-1 (Single-Family) zoning district. The proposed site would be located within a restricted zone and would not comply with setbacks to restricted zoning districts. The proposed wireless facility is within 300 feet of the restricted land uses including: Public Facility, Mobile Home Exclusive, Multi-Family Residential, and Planned (residential) Development

The Planning Commission may not deny an application based on environmental effects of Radio Frequency (RF) emissions. According to Section 332(c) of the Communications Act, “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.”

The Telecom Act (Federal Telecommunications Act of 1996) states that local governments cannot prohibit personal wireless communication services. Although the Capitola Municipal Code states that in no event may a new facility be located within 300 feet of a restricted zoning district, the FCC’s regulations pertaining to wireless telecommunication facilities may preempt the City’s ability to deny a permit if the applicant can demonstrate that the City’s regulations are tantamount to prohibiting the provision of wireless services. In order to be exempt from the code’s setback restrictions, the applicant must demonstrate that the new facility would eliminate or substantially reduce a significant gap in the carrier’s network and that there are no alternatives to the location and design of the facility that could reduce said gaps in the “least intrusive means” possible.

Significant Gap Analysis

Verizon submitted existing and proposed cell coverage maps of Capitola and surrounding areas to illustrate that a gap exists in the current cell coverage. Verizon also included capacity demand graphs to illustrate that the demand of existing antennae facilities within City limits are approaching capacity limits, and drive tests measuring service levels and data throughput within the area surrounding the proposed facility (Attachment 1).

According to Verizon representatives, the purpose of small-cell “capacity sites” are to help offload data from nearby cell sites when they have reached their data capacity during busy periods of the day and their existing cell sites are (or will soon become) heavily exhausted with too many connected users and very low data speed. The specific purpose of this site along Wharf Road is to better serve the library site and surrounding residences since increasingly more and more people are using wireless services within their homes.

The coverage, capacity, and drive test reports show that there is a lack of cellular coverage and capacity within this area of Capitola. Per the existing and proposed coverage maps, there is a lack of “Good In-Building” coverage within the area directly south of the Capitola Library and the proposed new cell site will fix this gap in coverage. The capacity graphs show that existing capacity of the nearby Live Oak facility has reached capacity exhaustion. The drive test report conducted on March 29, 2016, demonstrates that residential neighborhoods west and south of the library are experiencing “unacceptably weak LTE signal” and slow data download speed.

Least Intrusive Means Analysis

In addition to the applicant proving that a “significant gap” exists, the applicant must also demonstrate that their proposal constitutes the least intrusive means to mitigate a significant gap. The applicant must show that they have made an effort to identify and evaluate less intrusive alternatives that would most closely conform to the values of the local agency. Verizon

must therefore demonstrate that they have considered alternative antenna and equipment designs and co-location or less sensitive site locations.

Design Review

The proposed antenna would be mounted to an existing 40 foot-two inch utility pole which would be extended by seven feet-eight inches, with a total proposed height of 47 feet-ten inches.

The antennae facility would consist of a two foot tall canister located at the top of the new pole extension. Below the canister antenna would be a six foot Power Safety Zone, which is required by the California Public Utilities Commission. Additionally, the applicant is proposing to install new conduits, pole steps, a four foot tall, one and one-half foot wide equipment cabinet which projects roughly 11 inches, two new remote radio heads, an electrical meter, as well as other ancillary equipment. There will be no equipment located on the ground.

The Capitola Municipal Code does not include design standards for wireless facilities located on a utility pole. The antenna and ancillary equipment are proposed to be painted mesa brown with a non-reflective finish to match the design of the existing utility pole. Verizon provided a statement on potential screening techniques, explaining that the proposed antennas will be hidden within canister equipment and that due to the required height of the proposed antenna there are no practical means available to completely conceal the facility without impacting the existing utility service.

Staff feels the design of the proposed wireless facility complies with the municipal code requirements. Although the new facility will be visible, it will not be visually intrusive. The new equipment will match the color and design of the existing pole in an area lined with other utility poles, and is not located in a sensitive view corridor.

Site Location

Per Verizon's capacity and coverage information, there is a gap in cell coverage directly south of the Capitola Branch Library, along Wharf Road, Clares Street, 48th Avenue and Capitola Road. In order to obtain an exception to construct the facility in a restricted zone, Verizon must prove that they have reviewed alternative locations.

Verizon focused their search along the northern portion of Wharf Road, specifically within the Wharf Road right-of-way. This area is primarily residential. Since there are no industrial or commercial sites within the search area, Verizon limited their search to existing telephone or utility poles.

The applicant provided an Alternative Site Analysis for the new antenna facility, which shows that they analyzed multiple utility pole locations along Wharf Road and Clares Street. Verizon's first choice was an existing utility pole adjacent to the Rispin Park property. Verizon contacted the Public Works Department, who requested that the site be relocated due to the pending park project. Verizon reviewed five other utility poles within their search area. The only other utility pole site that could feasibly hold Verizon's proposed facility is the proposed location in front of 2091 Wharf Road.

Planning Staff analyzed Verizon's location information and researched alternative sites that could potentially help fill the alleged gap while better meeting the setback restriction. Verizon's proposed gap area is located in a primarily residential area. The nearest allowed zoning location is nearly 900 feet north at the Capitola Auto Mall, which is zoned Community Commercial and is listed on Verizon's planned new facilities map. Staff requested that the applicant review this site and explain why this location would not fill the coverage gap. Verizon explained that the Auto

Mall site is a “very short site” due to the landlord’s restrictions and zoning height regulations. Verizon also stated that several rows of trees on Swallow Lane and Woolsey Circle would obstruct service to the target coverage area, including the Capitola Branch Library. Verizon indicated that they would need many more small-cell sites to meet the demands of service if the proposed site was not utilized.

CEQA

This project is categorically exempt under Section 15301 of the California Environmental Quality Act. The proposed project involves the construction of a new, small-cell Verizon wireless antenna facility on to an existing utility pole. The project will result in a minor addition to the existing utility pole. No adverse environmental impacts were discovered during project review by staff.

RECOMMENDATION

Staff recommends that the Planning Commission approve application #15-109 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval consists of a new, small-cell wireless antenna facility on to an existing utility pole in front of 2091 Wharf Road. The new antenna facility will consist of a two foot tall canister antenna located on top of the utility pole. The existing utility pole will be extended by seven feet-eight inches to accommodate the new antenna equipment, cross arm, conduits, pole steps, equipment cabinet, two remote radio heads, and electrical meter. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 21st, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. All Planning fees associated with permit #15-109 shall be paid in full.
3. The applicant was granted a design permit, conditional use permit, and location exemption for the installation of a new, small-cell Verizon wireless antenna facility on an existing wooden utility pole (#3501) in front of 2091 Wharf Road. In any case where the conditions of the permit are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefore, the Planning Commission may revoke the permit.
4. The applicant must maintain a bond or other form of security to the City’s satisfaction throughout the life of the project. The bond must be approved by the Community Development Director and be signed by both parties prior to building permit issuance.
5. The wireless communication facilities shall comply with all Federal Communication Commission (FCC) rules, regulations, and standards. Every two years the wireless telecommunications service provider shall submit to the director of community development: (1) a certification by a licensed engineer that the emissions are within the current FCC standards; and (2) a report on the level of cumulative radio frequency

emissions within an eight hundred-foot radius from the subject antenna.

6. All utility pole-mounted facilities shall be painted with a mesa brown, non-reflective matte finish using an appropriate color that blends with the backdrop. The final choice of colors shall be approved by the community development department, in accordance with section 17.98.120 of the Capitola Municipal Code.
7. The wireless communications facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to adjacent uses and activities. Backup generators shall only be operated during power outages and for testing and maintenance purposes. At any time, noise attenuation measures may be required by the director when deemed necessary.
8. Testing and maintenance activities of wireless communications facilities which generate audible noise shall occur between the hours of eight a.m. and five p.m., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the director. Testing and maintenance activities, which do not generate audible noise, may occur at any time, unless otherwise prohibited by the director.
9. All wireless communications providers shall provide signage, as required by the director, which shall identify the name and phone number of the wireless communications provider for use in case of an emergency.
10. The new wireless communications facilities shall be maintained by the wireless service provider in good condition. This shall include keeping all wireless communications facilities graffiti free.
11. The height of the utility pole with the new small-cell wireless antenna facility is 47 feet-ten inches. This is the maximum height approved by the Planning Commission. Future facility updates shall not exceed the approved height of 47 feet-ten inches. Future facility updates shall not attach additional mass to the utility pole or antenna without the approval of the Planning Commission.
12. The applicant must obtain an Encroachment Permit from the Public Works department for the one and a half foot retaining wall located within the city right-of-way.
13. At time of Building Permit submittal, the wireless carrier applicant must submit equipment specifications for all proposed pole-mounted equipment in order for the Building Department to verify existing structure's load capacity. The Building Department may require a report prepared by a structural and electrical engineer.
14. The wireless communications facility which provides service to the general public shall be designed to survive a natural disaster without interruption in operation. To this end, the measures listed in section 17.98.200 of the Municipal Code shall be implemented.
15. Wireless communications providers shall provide the city with a notice of intent to vacate a site a minimum of thirty days prior to the vacation, and all other forms of cessation of operation on-site shall follow the rules and regulations set forth in Municipal Code section 17.98.210.

16. In the event that the original permittee (Verizon) sells its interest in a wireless communication facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the city for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name for the project (#15-109) shall be provided by the succeeding carrier to the community development department within thirty days of transfer of interest of the facility.
17. This permit shall be valid for a period of ten years. An approval may be extended administratively from the initial approval date for a subsequent ten years and may be extended administratively every ten years thereafter upon the verification of the wireless communications provider's continued compliance with Municipal Code chapter 17.98 and with the findings and conditions of approval under which the application was originally approved. This does not apply to preexisting legal nonconforming uses.
18. Should the director determine that the wireless communications facility may no longer be in compliance, the director may, at his or her discretion, schedule a public hearing before the planning commission at which the planning commission may modify or revoke an approval in accordance with chapter 17.98.240 of the Municipal Code.
19. All wireless communications facilities shall meet the current standards and regulations of the Federal Communications Commission, the California Public Utilities Commission, and any other agency of the federal or state government with the authority to regulate wireless communications providers. If such standards and regulations are changed, the wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within ninety days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring wireless communications facilities into compliance with such revised standards and regulations shall constitute grounds for the immediate removal of such facilities at the wireless communications provider's expense.

FINDINGS

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**
The Planning Commission reviewed and approved the applications with conditions of approval with respect to the maintenance, design and operation of the use to ensure that the new wireless facility will not have a negative impact on the surrounding residential uses and secure the general purposes of the Zoning Ordinance and General Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**
The Planning Commission reviewed and approved the application with conditions of approval to ensure that the antenna will not extend beyond the approved height of 47 feet ten-inches and will not be visually intrusive so as to preserve the character and identity of the neighborhood. The new equipment will match the color and design of the existing pole in an area lined with other utility poles, and is not located in a sensitive view corridor.
- C. **This project is categorically exempt under the Section 15301 of the California**

Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

The proposed project involves the construction of a new, small-cell Verizon wireless antenna facility. The project will result in a minor modification and addition to an existing utility pole. Section 15301 exempts the minor alteration of existing facilities.

ATTACHMENTS:

1. Project Plans and Information
2. Site Planning and Zoning Summary
3. Wireless Facility Findings of Approval

Prepared By: Ryan Safty
Assistant Planner



CAPITOLA LIBRARY SC I

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CAPITOLA, CA 95010



VERIZON WIRELESS
2765 MITCHELL DRIVE, SUITE #9
WALNUT CREEK, CA 94596



PRECISION DESIGN
Drafting, Inc.
11768 Atwood Rd, Suite 20 Auburn, CA 95603
Phone: (530) 823-6546 www.pdinc.com



1301 CENTRAL EXPRESSWAY SOUTH
ALLEN, TX 75013
(750) 550-7777
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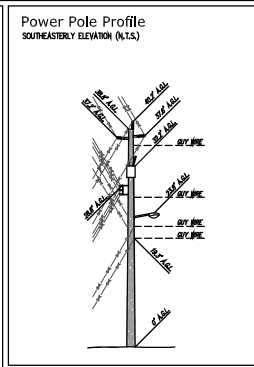
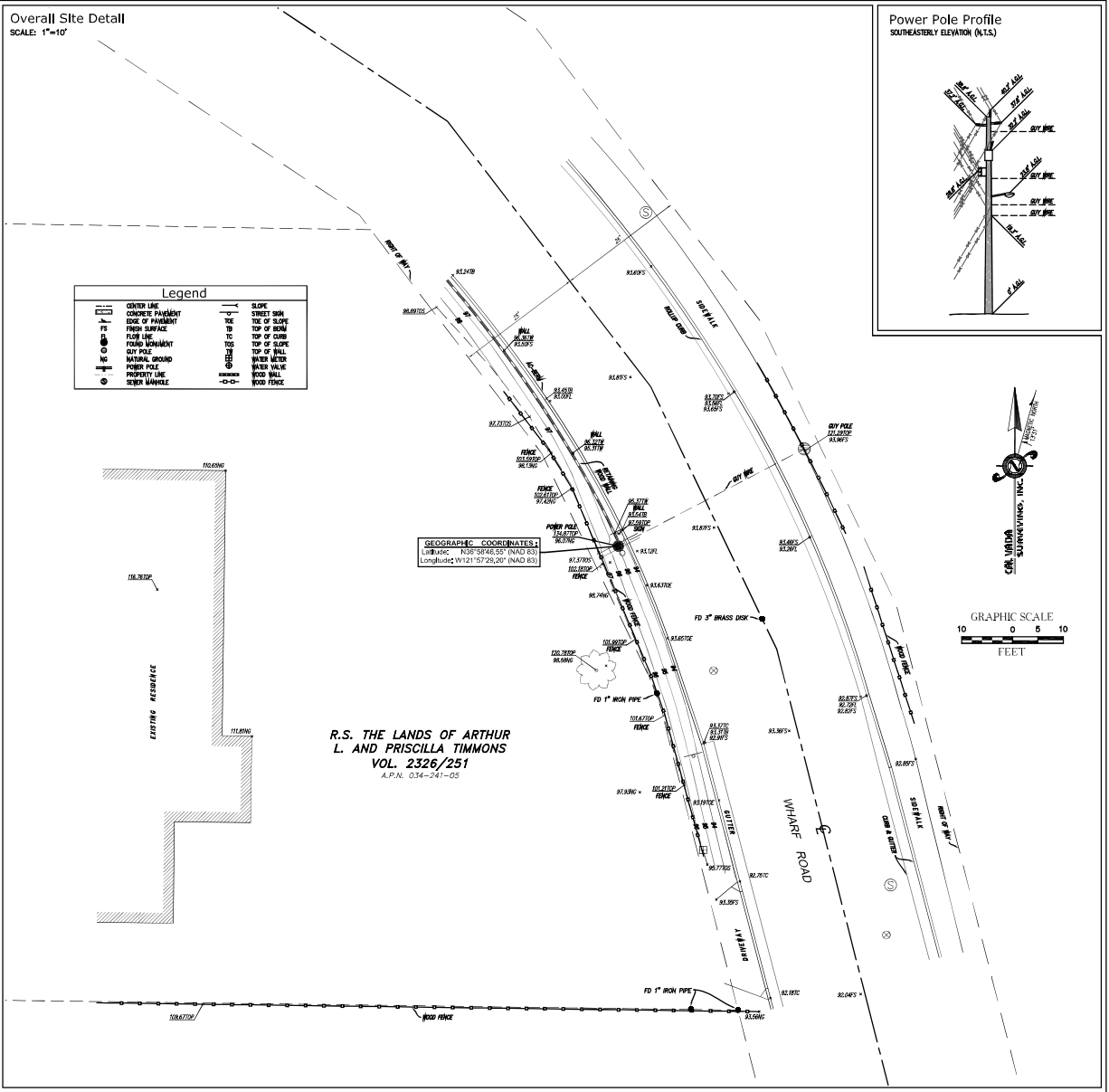
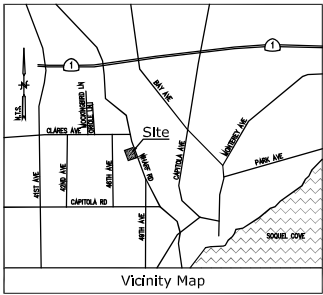
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2020 WHARF RD
CAPITOLA, CA 95010

ISSUE STATUS		
Δ	DATE	DESCRIPTION
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	08/06/15	CD 100% -
Δ	08/26/15	CD 100%

DRAWN BY: TDL
CHECKED BY: T. LAWRENCE / M. WESS
APPROVED BY: B. McCOMB
DATE: 08/26/15
SHEET TITLE:
TITLE SHEET
SHEET NUMBER:
T-1

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

SITE INFORMATION	VICINITY MAP	PROJECT TEAM	PROJECT DESCRIPTION
<p>OWNER: JOINT POLE AUTHORITY</p> <p>APPLICANT: VERIZON WIRELESS 2765 MITCHELL DRIVE, SUITE #9 WALNUT CREEK, CA 94596</p> <p>AGENT: NEXIUS 1301 CENTRAL EXPRESSWAY SOUTH, SUITE #200 ALLEN, TX 75013 (750) 550-7777</p> <p>APP: PUBLIC ROW</p> <p>SITE ADDRESS: 2020 WHARF RD CAPITOLA, CA 95010</p> <p>COUNTY: SANTA CRUZ COUNTY</p> <p>LATITUDE: 36° 58' 46.56" N (36.979697) NAD 83</p> <p>LONGITUDE: 121° 57' 29.20" W (-121.956111) NAD 83</p> <p>GROUND ELEVATION: ±96.1' AMSL</p> <p>ZONING: PUBLIC ROW</p> <p>ZONING JURISDICTION: CITY OF CAPITOLA</p>		<p>AGENT: BOB GUNDERMANN REACON DEVELOPMENT 1757 GREENWOOD ROAD PLEASANTON, CA 94566 (925) 859-1999 BOB@REACONDEV.NET</p> <p>PROJECT MANAGER: JENNIFER HAAS NEXIUS 1301 CENTRAL EXPRESSWAY SOUTH, SUITE #200 ALLEN, TX 75013 (505) 759-1977 JENNIFER.HAAS@NEXIUS.COM</p> <p>CONSTRUCTION MANAGER: ZACHARY MANN NEXIUS 1301 CENTRAL EXPRESSWAY SOUTH, SUITE #200 ALLEN, TX 75013 (505) 754-6462 ZACHARY.MANN@NEXIUS.COM</p> <p>ARCHITECT/ENGINEER ON RECORD: BRETT McCOMB PRECISION DESIGN & DRAFTING INC. 11768 ATWOOD ROAD, SUITE #20 AUBURN, CA 95603 (530) 823-6546 BRETT@PDINC.COM</p> <p>VERIZON PROJECT MANAGER: MAUREEN CRUZEN (925) 279-6636 MAUREEN.CRUZEN@VERIZONWIRELESS.COM</p>	<p>THIS IS AN UNMANNED TELECOMMUNICATIONS FACILITY FOR VERIZON WIRELESS CONSISTING OF THE INSTALLATION & OPERATION OF ANTENNAS & ASSOCIATED EQUIPMENT OF AN (S) WOOD JPA POLE IN THE PUBLIC RIGHT OF WAY.</p> <p>SCOPE OF WORK:</p> <ol style="list-style-type: none"> 1. INSTALL (0) TELECOMMUNICATIONS EQUIPMENT BOXES ON A (0) 55' WOOD JPA POLE. EQUIPMENT IS TO BE INSTALLED ON (0) 6095 COMPLIANT STANDOFF BRACKET & CONSISTS OF A (N) ELECTRICAL METERS, (3) (0) RFI, (0) CHARLES CABINET & (0) 4' CYLINDRICAL ANTENNA. 2. ALL EQUIPMENT TO BE PAINTED TO MEET JURISDICTION APPROVAL. 3. UTILITY LINES BETWEEN (S) POINT OF CONNECTION & POLE TO BE OVERHEAD. 4. TLECO TRANSPORT WILL BE DARK FIBER. 5. EXTERNET DARK FIBER TO SOQUEL & 41ST HUB
<p>CONSTRUCTION WORKS & MATERIALS MUST COMPLY WITH ALL APPLICABLE NATIONAL, STATE & LOCAL CODES AS ADOPTED BY LOCAL JURISDICTION, INCLUDING BUT NOT LIMITED TO:</p> <ol style="list-style-type: none"> 1. 2013 CALIFORNIA ADMINISTRATIVE CODE (INCL. TITLES 24 & 25) 2. 2013 CALIFORNIA BUILDING CODE 3. 2013 CALIFORNIA ELECTRICAL CODE 4. 2013 CALIFORNIA MECHANICAL CODE 5. 2013 CALIFORNIA PLUMBING CODE 6. 2013 CALIFORNIA FIRE CODE 7. LOCAL BUILDING CODES 8. CITY/COUNTY ORDINANCES 9. ANSI/AIA-TIA-222-G <p>HANDICAP REQUIREMENTS</p> <p>THIS FACILITY IS UNMANNED & NOT FOR HUMAN HABITATION. HANDICAPPED ACCESS & REQUIREMENTS ARE NOT REQUIRED IN ACCORDANCE WITH CALIFORNIA STATE ADMINISTRATIVE CODE, TITLE 24 PART 2, SECTION 1105B.3.4.2, EXCEPTION 1</p>	<p>DRIVING DIRECTIONS</p> <p>DIRECTIONS FROM VERIZON WIRELESS WALNUT CREEK OFFICE</p> <p>FROM: 2765 MITCHELL DR, WALNUT CREEK, CA 94596 TO: 2020 WHARF RD, CAPITOLA, CA 95010</p> <ol style="list-style-type: none"> 1. HEAD NORTHEAST ON MITCHELL DR TOWARD OAK GROVE RD 30 FT 2. TURN RIGHT ONTO OAK GROVE RD 0.4 MI 3. TURN RIGHT ONTO YGNACIO VALLEY RD 3.4 MI 4. YGNACIO VALLEY RD TURNS SLIGHTLY RIGHT AND BECOMES HILLSIDE AVE 0.1 MI 5. TURN LEFT ONTO THE INTERSTATE 680 S RAMP TO SAN JOSE 0.3 MI 6. MERGE ONTO I-680 S 35.5 MI 7. TAKE THE MISSION BLVD / STATE ROUTE 262 EXIT TOWARD I-680 0.2 MI 8. KEEP RIGHT AT THE FORK, FOLLOW SIGNS FOR MISSION BLVD W & MERGE ONTO MISSION BLVD 0.9 MI 9. KEEP LEFT AT THE FORK, FOLLOW SIGNS FOR INTERSTATE 680 S / SAN JOSE & MERGE ONTO I-680 S 13.0 MI 10. CONTINUE ONTO CA-17 S 26.3 MI 11. TAKE THE CALIFORNIA 1 S EXIT TOWARD WATSONVILLE / MONTEREY 0.7 MI 12. MERGE ONTO CA-1 S 2.6 MI 13. TAKE THE 41ST AVE EXIT 0.3 MI 14. TURN RIGHT ONTO 41ST AVE 0.2 MI 15. TURN LEFT ONTO CLARES ST 0.4 MI 16. TURN LEFT ONTO WHARF RD 462 FT <p>END AT: 2020 WHARF RD, CAPITOLA, CA 95010 ESTIMATED TIME: 1 HR 36 MIN ESTIMATED DISTANCE: 82.3 MI</p>	<p>ADMINISTRATIVE REQUIREMENTS</p> <p>At all services & grounding trenches, provide "WARNING" tape at 12" below grade.</p> <p>CALL "CALL BEFORE YOU DIG" 811/800-227-2600 NATIONWIDE UNDERGROUND SERVICE ALERT</p> <p>CONTRACTOR SHALL VERIFY ALL PLANS & (S) DIMENSIONS & CONDITIONS ON THE JOB SITE & SHALL IMMEDIATELY NOTIFY THE ENGINEER IN WRITING OF ANY DISCREPANCIES BEFORE PROCEEDING WITH THE WORK OR BE RESPONSIBLE FOR SAME IF USING 1" X 17" PLOT, DRAWINGS WILL BE HALF SCALE.</p>	



Legend

—	CENTER LINE	—	SLOPE
—	CONCRETE PAVEMENT	—	STREET SIGN
—	EDGE OF PAVEMENT	—	TOE OF SLOPE
—	FRESH SURFACE	—	TOE OF SLOPE
—	FLOW LINE	—	TOP OF CURB
—	FOAM MOUNTANT	—	TOP OF SLOPE
—	GUY POLE	—	TOP OF HILL
—	NATURAL GROUND	—	WATER METER
—	POWER POLE	—	WATER VALVE
—	PROPERTY LINE	—	WOOD HILL
—	SEWER MANHOLE	—	WOOD FENCE

GEOGRAPHIC COORDINATES:
 UTM ZONE: 18N
 UTM EASTING: 1121517.2020 (NAD 83)
 UTM NORTHING: 3946557.5570 (NAD 83)



Title Report
 NOT APPLICABLE (RIGHT-OF-WAY)

Legal Description
 NOT APPLICABLE (RIGHT-OF-WAY)

Assessor's Parcel No.
 NOT APPLICABLE (RIGHT-OF-WAY)

Easements
 NOT AVAILABLE

Access Easement/Lease Area
 TO BE DETERMINED

Geographic Coordinates at Existing Power Pole
 18N DATUM: UTM ZONE 18N, UTM EASTING 1121517.2020, UTM NORTHING 3946557.5570 (NAD 83)
 ELEVATION = 94.1 FEET ABOVE MEAN SEA LEVEL

CONTRIBUTION:
 THE LATITUDE AND LONGITUDE SHOWN ABOVE ARE ACCURATE TO WITHIN +/- 10 FEET HORIZONTALLY AND THAT THE ELEVATIONS SHOWN ABOVE ARE ACCURATE TO WITHIN +/- 3 FEET VERTICALLY. THE HORIZONTAL DATUM (GEOGRAPHIC COORDINATES) IS IN TERMS OF THE NORTH AMERICAN DATUM OF 1983 (NAD 83) AND IS EXPRESSED IN DECIMALS (1) AND SECONDS (2) TO THE NEAREST HUNDRETH OF A SECOND. THE VERTICAL DATUM (ELEVATIONS) IS IN TERMS OF THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD 88) AND IS EXPRESSED TO THE NEAREST TENTH OF A FOOT.

Basis of Bearings
 THE STATE PLANE COORDINATE SYSTEM OF 1983 (NAD 83), CALIFORNIA ZONE 1.

Bench Mark
 THE CALIFORNIA SPATIAL REFERENCE CENTER CODES "BM1", ELEVATION = 94.10 FEET (NAVD 88).

Date of Survey
 APRIL 10, 2015



PLANS PREPARED BY:
CALVADA SURVEYING, INC.
 411 Jenks Ct., Suite 205, Corona, CA 92690
 Phone: 951-265-5800 Fax: 951-265-4744
 Toll Free: 800-CALVADA www.calvada.com
 JOB NO. 15218

CONSULTING GROUP:
PRECISION DESIGN & Drafting, Inc.
 Phone: (530) 823-6546 www.pdnd.com
 11768 Atwood Rd., Suite 20 Auburn, CA 95603

THESE PLANS AND SPECIFICATIONS, REPRESENTATIONS OF FACTS, AND MEASUREMENTS MADE BY THE PROPERTY OWNER OR HIS AGENT OR BY AN INDEPENDENT CONTRACTOR SHALL BE SUBJECT TO THE REVIEW AND APPROVAL OF THE ENGINEER AND ARCHITECT. THE ENGINEER AND ARCHITECT SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE DATA OR THE RESULTS OF THE SURVEY OR THE CONSTRUCTION OF THE PLANS OR SPECIFICATIONS.

NO.	DATE	DESCRIPTION	BY
	4/13/15	SUBMITTAL	MN/AV

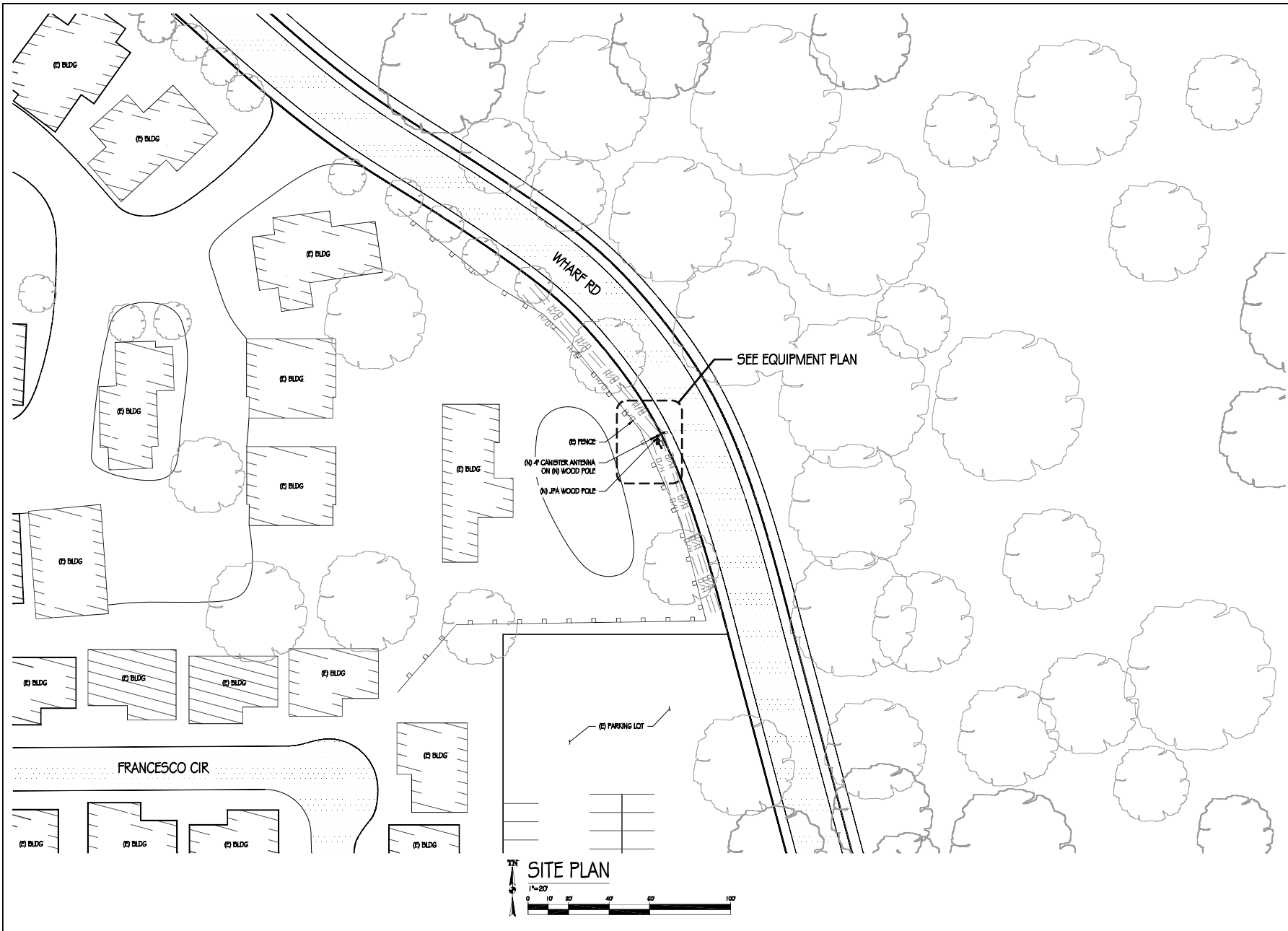
SITE INFORMATION:
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 220 WHARF ROAD,
 CAPITOLA, CA 95010
 SANTA CRUZ COUNTY

SEAL:

SHEET TITLE:
TOPOGRAPHIC SURVEY

SHEET NUMBER: **C1** REV: 0

Attachment: Project Plans and Information (1524 : Utility Pole #3501)



VERIZON WIRELESS
2765 MITCHELL DRIVE, SUITE 40
WALNUT CREEK, CA 94596

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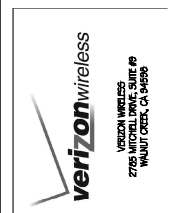
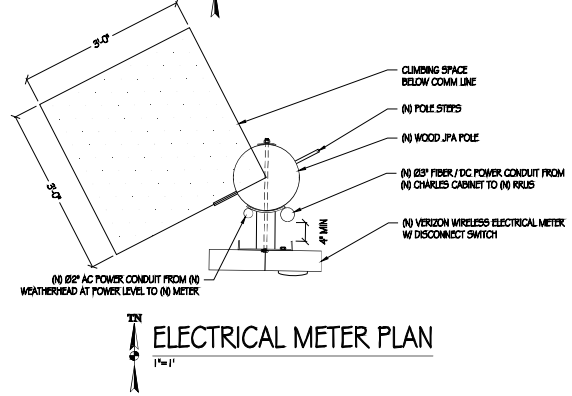
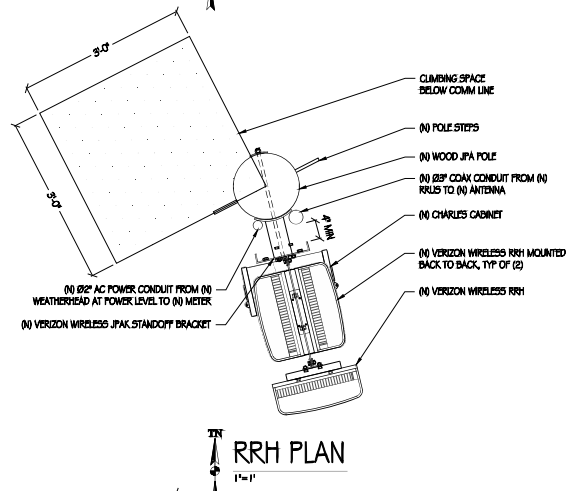
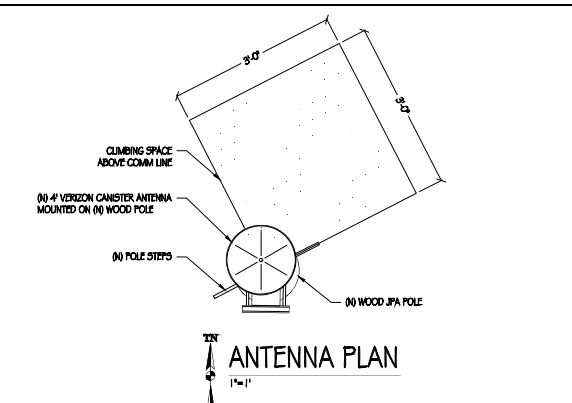
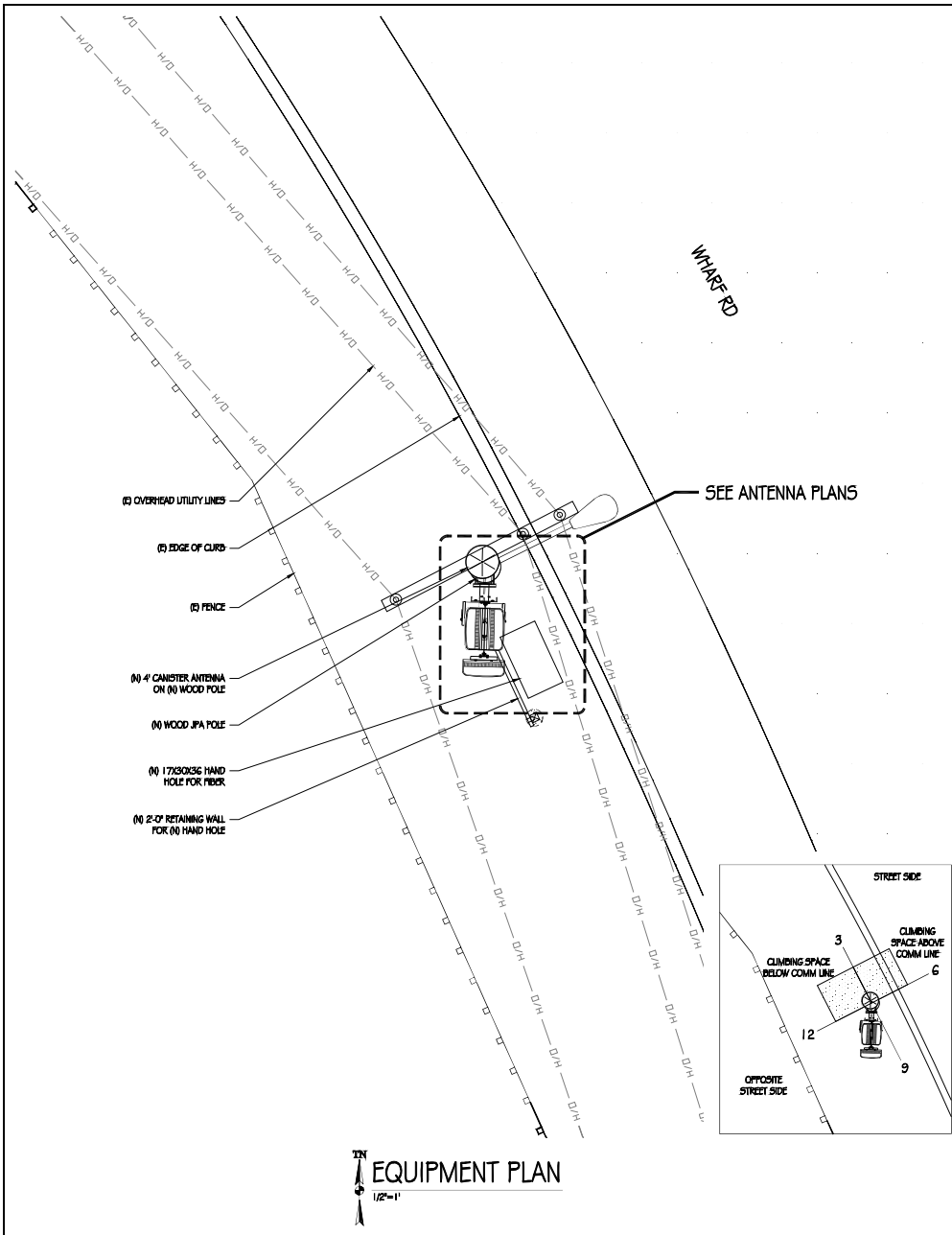
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A	08/26/15	CD 100%

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CHECKED BY: T. LAWRENCE / M. WESS
APPROVED BY: B. McCOMB
DATE: 08/26/15
SHEET TITLE:

SITE PLAN
SHEET NUMBER
A-1

Attachment: Project Plans and Information (1524 : Utility Pole #3501)



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1501 CENTRAL EXPRESSWAY SOUTH
AUBURN, CA 95603
(530) 553-7777
WWW.NEXIUS.COM

REGISTERED PROFESSIONAL ENGINEER
SINCE A. MCCOMB
CIVIL
STATE OF CALIFORNIA
C 08811
EXP 09-30-16

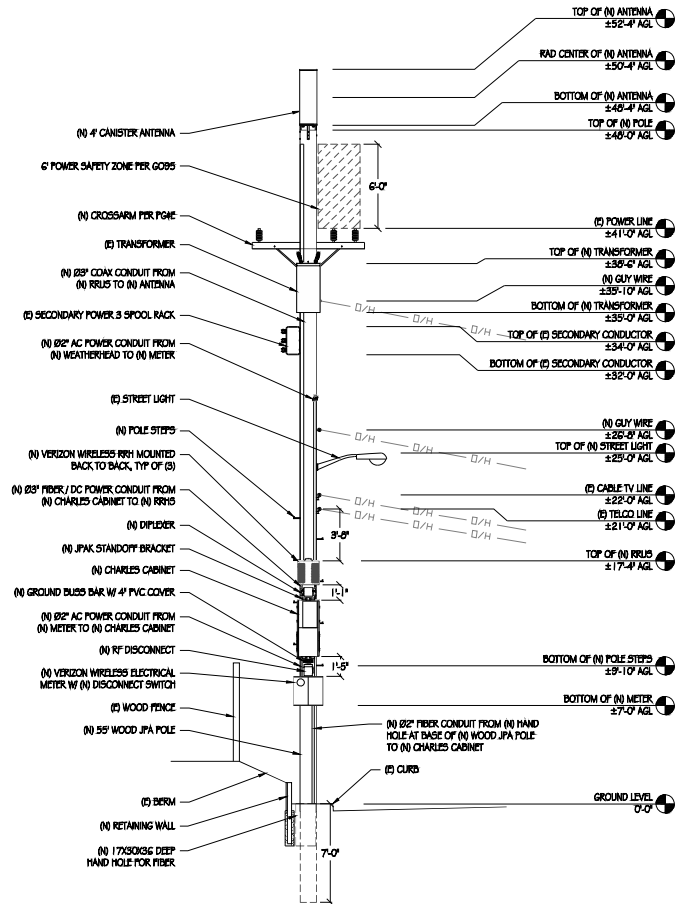
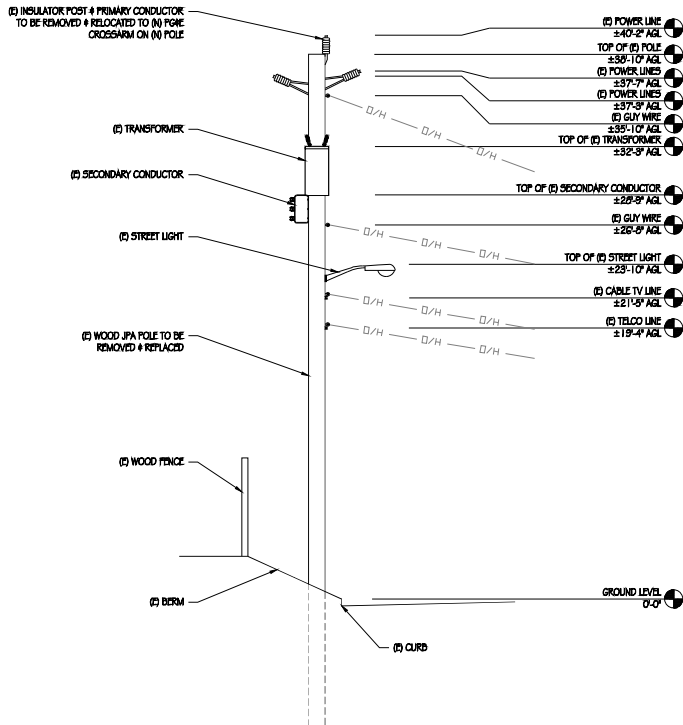
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DATE: 08/26/15
SHEET TITLE:
EQUIPMENT PLAN # ANTENNA PLANS
SHEET NUMBER
A-2

Attachment: Project Plans and Information (1524 : Utility Pole #3501)



NOTE: ALL (N) EQUIPMENT TO BE PAINTED MESA BROWN



VERIZON WIRELESS
2765 MITCHELL DRIVE, SUITE #9
WALNUT CREEK, CA 94596

PRECISION DESIGN
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VERIZON WIRELESS PROJECT # 1524 : UTILITY POLE # 3501
DATE: 08/21/15
DRAWN BY: TDL
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DATE: 08/21/15
SHEET TITLE: ELEVATIONS
SHEET NUMBER: A-3

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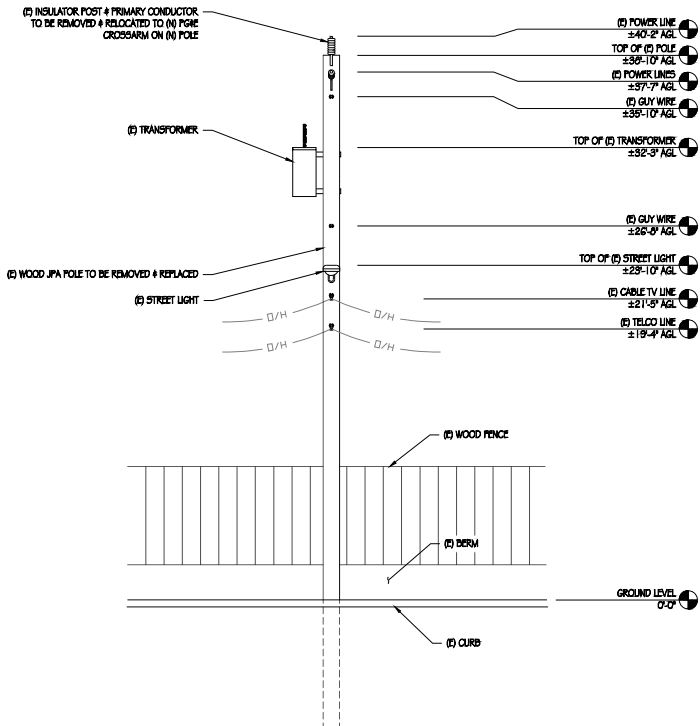
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DATE: 08/21/15
SHEET TITLE: ELEVATIONS
SHEET NUMBER: A-3

ELEVATIONS

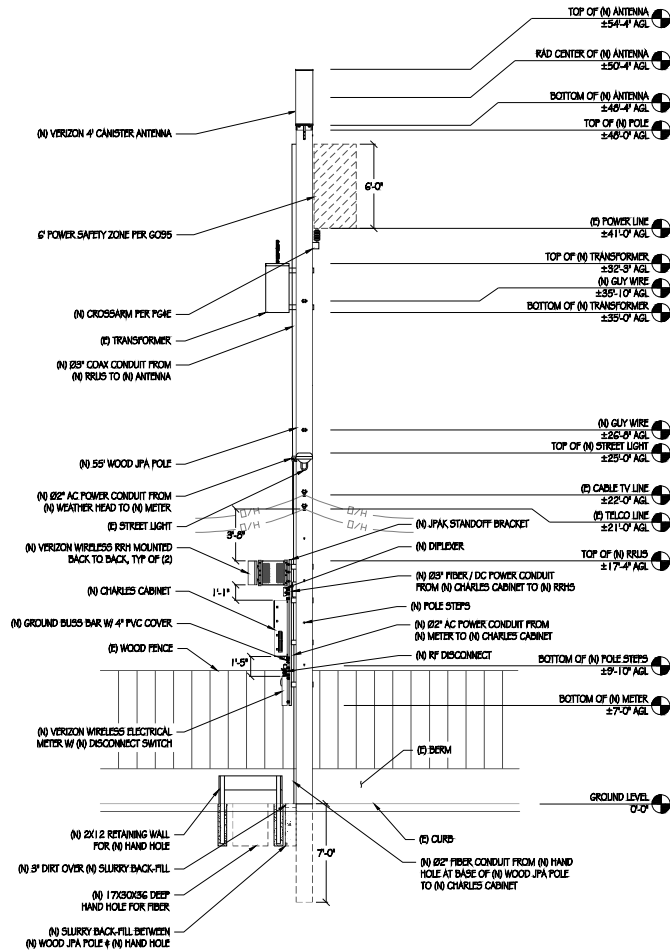
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A-3

Attachment: Project Plans and Information (1524 : Utility Pole #3501)



EXISTING EAST ELEVATION
1/4"=1'-0"



NEW EAST ELEVATION
1/4"=1'-0"
NOTE: ALL (N) EQUIPMENT TO BE PAINTED MESA BROWN



VERIZON WIRELESS
2785 MITCHELL DRIVE, SUITE #9
WALNUT CREEK, CA 94596

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DATE: 05/21/15
SHEET TITLE:

ELEVATIONS
SHEET NUMBER
A-4

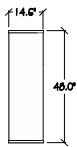
Attachment: Project Plans and Information (1524 : Utility Pole #3501)

CWT360X | 2Fxy-1

WIND AREA: 5 SQ FT
 WEIGHT: 42.5 LBS
 DIMENSIONS: 214.6" X 46" TALL
 CONNECTOR: 2 CONNECTORS / 4, 1-9.5 MINI-DIN FEMALE / BOTTOM OF ANTENNA



TOP VIEW

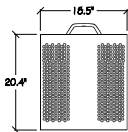


FRONT VIEW

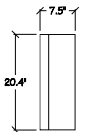
1 ANTENNA DETAIL
 1/2"=1"



TOP VIEW



FRONT VIEW

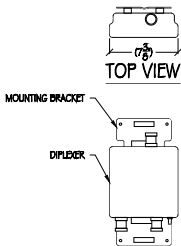


SIDE VIEW

2 RRUS-12 DETAIL
 1"=1"

ERICSSON RRUS-12

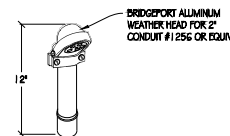
COLOR: GREY
 TOTAL WEIGHT: +/- 50 LB
 DIMENSIONS: 20.4" TALL X 18.5" WIDE X 7.5" DEEP



TOP VIEW

FRONT VIEW RIGHT VIEW

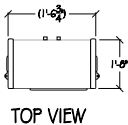
3 DIPLEXER DETAIL
 1"=6"



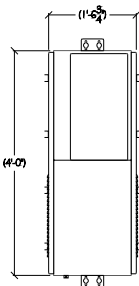
4 WEATHER HEAD DETAIL
 1"=1"

CHARLES UNIVERSAL BROADBAND ENCLOSURE (CUBE) - SC1042NAN3

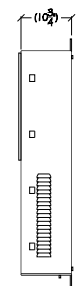
TOTAL WEIGHT: 115 LBS (EMPTY), 250 LBS (W BATTERIES)
 DIMENSIONS: 46X11X15"
 EQUIP CHAMBER: 24X11X15"
 BATT CHAMBER: 24X11X15"
 THERMAL SPECS: 560W 48VDC 1%
 POWER: GE SPS (2) 20A RECTIFIERS



TOP VIEW



FRONT VIEW

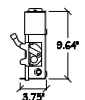


SIDE VIEW

7 CABINET DETAIL
 1"=1"



FRONT VIEW

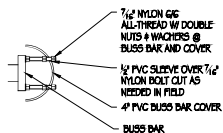


SIDE VIEW

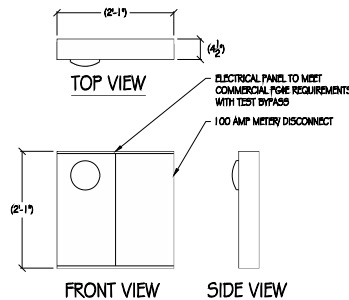


BOTTOM VIEW

6 SERVICE DISCONNECT
 3/8"=1"



5 4" PVC BUSS BAR COVER
 3/8"=1"



TOP VIEW

FRONT VIEW

SIDE VIEW

8 METER DETAIL
 1"=1"



VERIZON WIRELESS
 2745 MITCHELL DRIVE, SUITE #9
 WAUWATONIA, WI 53096



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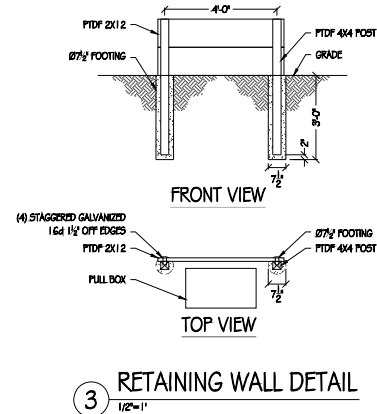
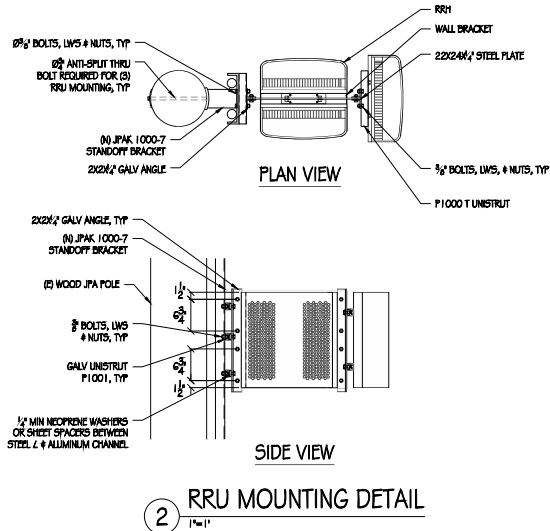
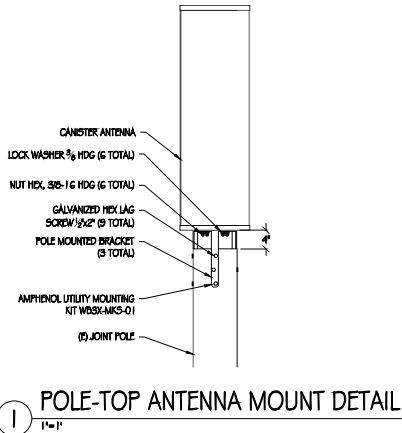
SHEET TITLE:

DETAILS

SHEET NUMBER

A-5

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

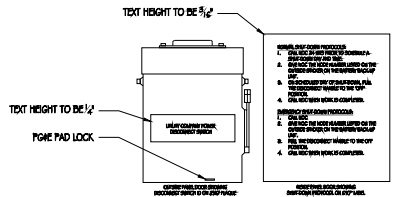


NOTES:

1. 96 VINYL SIGN TO BE PROVIDED BY VERIZON WIRELESS AND BE PLACED ON THE POLE 9' ABOVE GROUND LEVEL. COLOR TO BE DETERMINED PRIOR TO INSTALL.



5 FCC SIGN
1/2"=1"



STRUCTURAL STEEL NOTES:

1. ALL STEEL CONSTRUCTION INCLUDING FABRICATION, PRECTION AND MATERIALS SHALL COMPLY WITH ALL REQUIREMENTS OF THE AISC SPECIFICATION FOR THE DESIGN, FABRICATION, AND ERECTION OF STRUCTURAL STEEL FOR BUILDINGS AND THE 2015 CBC.
2. ALL STRUCTURAL STEEL SHALL BE ASTM A56 UNLESS OTHERWISE NOTED. ALL WF (WIDE FLANGES) & WT (TEES) SHALL BE TO ASTM A582 (F_y=50,000 PSI) UNLESS NOTED OTHERWISE. ALL STRUCTURAL TUBING (TS OR TSS) SHALL BE ASTM A500 GRADE B (F_y=46,000 PSI). ALL STEEL PIPE SHALL BE ASTM A53 (TYPE E OR S, GRADE B (F_y=35,000 PSI)) SCHEDULE 40 WITH OUTSIDE DIAMETERS GIVEN UNLESS OTHERWISE NOTED.
3. ALL WELDING SHALL BE PERFORMED USING E70XX ELECTRODES AND SHALL CONFORM TO AISC & AISI D1.1. WHERE FILLET WELD SIZES ARE NOT SHOWN PROVIDE THE MINIMUM SIZE PER TABLE J2.4 IN THE AISC SPECIFICATION. PAINTED SURFACES SHALL BE TOUCHED UP.
4. ALL WELDING SHALL BE PERFORMED BY QUALIFIED, CERTIFIED WELDERS.
5. BOLTS SHALL BE GALVANIZED ASTM A325 MINIMUM. BOLTED CONNECTIONS SHALL BE BEARING TYPE. SEE PLANS FOR LOCATION, NUMBER, & SIZE OF BOLTS. SPECIAL INSPECTION NOT REQUIRED U.O.N.
6. THREADED RODS SHALL BE ASTM F593 CW 30418 1/2 STAINLESS STEEL. BOLTED CONNECTIONS SHALL BE BEARING TYPE. SEE PLANS FOR LOCATION, NUMBER, & SIZE OF BOLTS.
7. ALL HOLES FOR BOLTED CONNECTIONS SHALL BE 1/16" LARGER THAN THE NOMINAL BOLT DIAMETER. USE STANDARD AISC GAGE AND PITCH FOR BOLTS EXCEPT AS NOTED OTHERWISE. HOLES FOR ANCHOR BOLTS IN BASE PLATES MAY BE AISC OVERSIZE HOLES WHERE ACCOMPANIED BY OVERSIZE HARDENED HDG WASHERS.
8. ALL SHOP FABRICATED STEEL STRUCTURAL MEMBERS FOR EXTERIOR USE SHALL BE HOT DIP GALVANIZED PER ASTM A123 AFTER FABRICATION & PAINTED PER CUSTOMER SPECIFICATIONS AS REQUIRED. STEEL FOR INTERIOR USE SHALL BE SHOP COAT OR GALVANIZED & PAINTED PER PLAN.
9. ALL FIELD FABRICATED GALVANIZED STEEL THAT IS CUT, GROUND, DRILLED, WELDED OR DAMAGED SHALL BE TREATED WITH ZINC RICH COLD GALVANIZING SPRAY OR COATING. NO RAW STEEL SHALL BE EXPOSED.
10. AT ALL WEB STIFFENER PLATES LEAVE 3/8" (OR K, WHICHEVER IS LARGER) HOLE @ WEB/FLANGE INTERSECTION UNLESS NOTED OTHERWISE.



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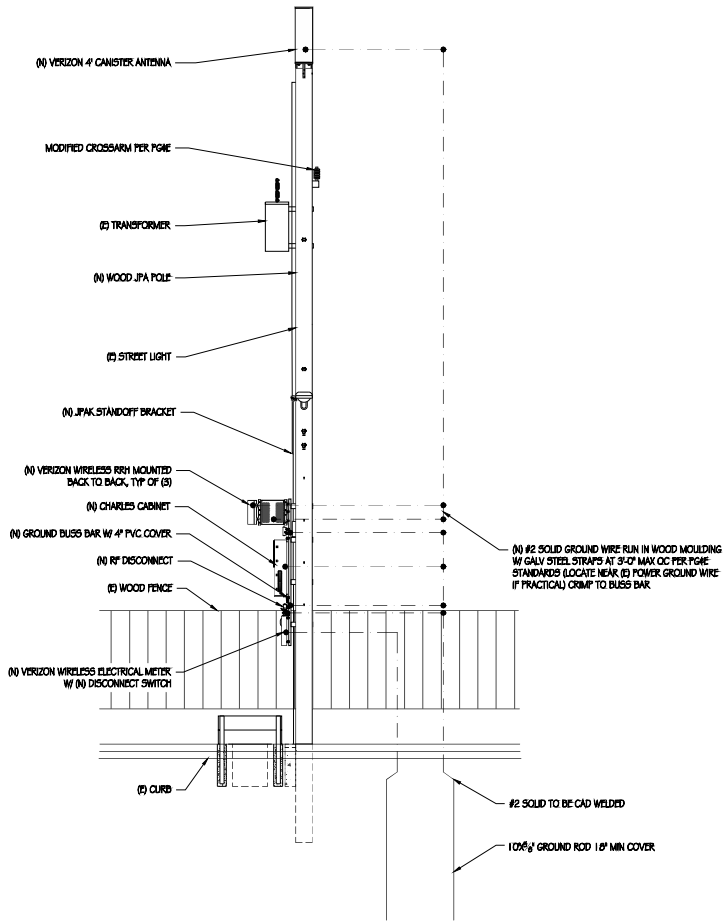
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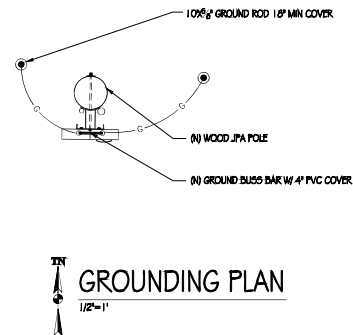
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Δ	DATE	DESCRIPTION
	04/11/15	CD 90%
	05/07/15	CD 100%
Δ	08/21/15	CD 100%

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CHECKED BY: T. LAWRENCE / M. WEBB
APPROVED BY: B. McCOMB
DATE: 08/21/15
SHEET TITLE:
DETAILS
SHEET NUMBER
A-6

Attachment: Project Plans and Information (1524 : Utility Pole #3501)



POLE GROUNDING DIAGRAM
1/4"=1'



GROUNDING PLAN
1/2"=1'



VERIZON WIRELESS
2765 MITCHELL DRIVE, SUITE #9
WALNUT CREEK, CA 94596

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A	08/26/15	CD 100%

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DATE: 08/26/15
SHEET TITLE:
ELECTRICAL GROUND
DIAGRAMS
SHEET NUMBER:

E-2

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

POWER AND TELCO NOTES:

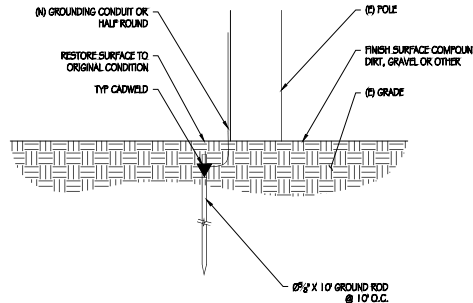
- POWER AND TELCO POINTS OF CONNECTION AND ANY EXPOSURES ARE PRELIMINARY AND SUBJECT TO CHANGE BY THE UTILITY COMPANIES.
- CONTRACTOR SHALL COORDINATE WITH UTILITY COMPANY FOR FINAL AND EXACT WORK/MATERIALS REQUIREMENTS AND CONSTRUCT TO UTILITY ENGINEERING PLANS AND SPECIFICATIONS ONLY WHERE APPLICABLE PER PROJECT SCOPE OF WORK.
- CONTRACTOR SHALL FURNISH AND INSTALL CONDUIT, PULL WIRES, CABLE PULL BOXES, CONCRETE ENCASUREMENT OF CONDUIT, TRANSFORMER PAD, BARRIERS, POLE RISK TRENCHING, BACK FILL, AND UTILITY FEES, AND INCLUDE REQUIREMENTS IN SCOPE.
- CONTRACTOR SHALL LABEL ALL MAIN DISCONNECT SWITCHES AS REQUIRED BY CODE.

GENERAL ELECTRICAL NOTES:

- PROVIDE ALL ELECTRICAL WORK & MATERIALS AS SHOWN ON THE DWGS, AS CALLED FOR HEREIN, & AS IS NECESSARY TO FURNISH A COMPLETE INSTALLATION.
- THE INSTALLATION SHALL CONFORM TO THE REQUIREMENTS OF THE CURRENT ADOPTED CALIFORNIA ELECTRICAL CODE, STATE OF CALIFORNIA TITLE 24, ALL OTHER APPLICABLE CODES AND ORDINANCES & THE REQUIREMENTS OF THE FIRE MARSHALL. ALL EQUIPMENT & WIRING SHALL BEAR THE APPROVAL STAMP OF UNDERWRITERS LABORATORY (UL) OR AN APPROVED TESTING LABORATORY. PAYMENT FOR ALL INSPECTION FEES AND PERMITS ARE PART OF THIS CONTRACT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE SAFETY AND GOOD CONDITION OF ALL MATERIALS & EQUIPMENT FOR THE ENTIRE INSTALLATION & UPON COMPLETION OF WORK, ERECT & MAINTAIN APPROVED & SUITABLE BARRIERS, PROTECTIVE DEVICES & WARNING SIGNS, BE FULLY RESPONSIBLE FOR ANY LOSSES OR INJURY TO PERSONS OR PROPERTY RESULTING FROM NEGLIGENCE AND/OR ENFORCEMENT OF ALL SAFETY PRECAUTIONS & WARNINGS.
- COORDINATE THE ELECTRICAL INSTALLATION WITH ALL OTHER TRADES.
- ALL SAW CUTTING, TRENCHING, BACK FILLING & PATCHING SHALL BE PART OF THIS CONTRACT.
- FINALIZE ALL ELECTRICAL SERVICE ARRANGEMENTS, INCLUDING VERIFICATION OF LOCATIONS, DETAILS, COORDINATION OF THE INSTALLATION & PAYMENT OF ACCRUED CHARGES WITH LOCAL POWER COMPANY, VERIFY LOCATION FOR FACILITIES & DETAILS WITH POWER UTILITY, IN ADDITION TO THE REQUIREMENTS SHOWN IN THE CONTRACT DOCUMENTS, WORK SHALL COMPLY WITH CONSTRUCTION STANDARDS & SERVICE REQUIREMENTS OF THE RESPECTIVE UTILITIES, INCLUDING ANY SUPPLEMENTAL DWGS ISSUED & SHALL BE SUBJECT TO APPROVAL OF THESE UTILITIES.
- ALL WIRING SHALL BE COPPER. INSULATION FOR BRANCH CIRCUIT CONDUCTORS SHALL BE TYPE THINWALL CONDUCTORS LARGER AND #6 AWG MAY BE TYPE THINWALL OR THINW.
- PROVIDE CONDUIT SEALS FOR ALL CONDUITS PENETRATING WEATHERPROOFING OR WEATHERPROOF ENCLOSURE ENVELOPE. MASTIC SEAL ALL CONDUIT OPENING PENETRATIONS COMPLETELY WEATHERTIGHT.
- UNLESS SHOWN OTHERWISE, FUSED DISCONNECT SWITCHES SHALL BE PROVIDED WITH LOW-PEAK, SIGNAL ELEMENT FUSES SIZED TO EQUIPMENT NAMEPLATE FUSE CURRENT RATING. MOTOR STARTERS SHALL BE PROVIDED WITH SIMILARLY SIZED FUSIBLE ELEMENTS, SWITCHES AND OTHER OUTDOOR EQUIPMENT SHALL BE RATED NEMA 3R AND/OR UL LISTED FOR WET ENVIRONMENT.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR TESTING THE GROUNDING SYSTEM AND ENSURING A 5 OHM OR LESS GROUNDING PATH; ADDITIONAL GROUND RODS AND/OR CHEMICAL ROD SYSTEM SHALL BE USED TO ACHIEVE THIS REQUIREMENT IF THE GIVEN DESIGN CANNOT BE MADE TO ACHIEVE THIS REQUIREMENT.

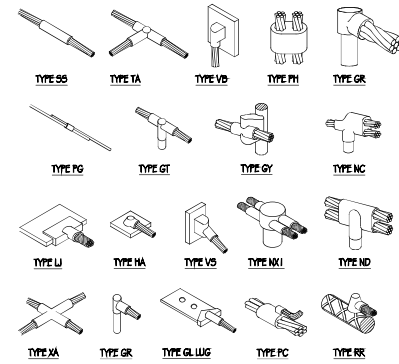
NOTES:

- SUBCONTRACTOR SHALL PROVIDE METER WITH DIST. PANEL AND BREAKERS FOR POWER TO THE BPS UNITS AND THE BPS UTILITY CABINET.
- ALL SERVICE EQUIPMENT AND INSTALLATIONS SHALL COMPLY WITH THE N.E.C. AND UTILITY COMPANY AND LOCAL CODE REQUIREMENTS.
- SUBCONTRACTOR SHALL PROVIDE ELECTRICAL SERVICE ENTRANCE EQUIPMENT WITH FAULT CURRENT RATINGS GREATER THAN THE AVAILABLE FAULT CURRENT FROM THE POWER UTILITY.
- FIELD ROUTE CONDUIT TO CABINETS AS REQUIRED.
- MAXIMUM ONE WAY CIRCUIT RUN NOT TO EXCEED 75 FEET.

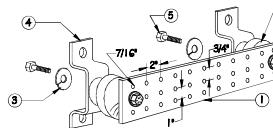


- NOTES:**
- IF GROUND ROD IS INSTALLED ON SIDEWALK AREA, CORE DRILL SIDEWALK PRIOR TO INSTALLING INSPECTION WELL
 - EXPOSED CONCRETE TO HAVE BROOM FINISH

1 NTS **POLE GROUNDING DETAIL**

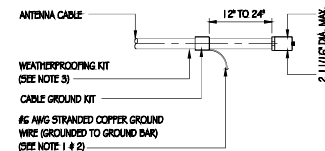


3 NTS **EXOTHERMIC WELD DETAILS**



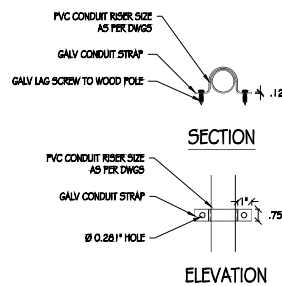
- NOTES:**
- GALVANIZED STEEL GROUND BAR, HOLE CENTERS TO MATCH NEMA DOUBLE LUG CONFIGURATION. (ACTUAL GROUND BAR SIZE WILL VARY BASED ON NUMBER OF GROUND CONNECTIONS)
 - INSULATORS, NEWTON INSTRUMENT CAT. NO. 8061-4 OR APPROVED EQUAL
 - 5/16\"/>

4 NTS **GROUND BAR DETAIL**

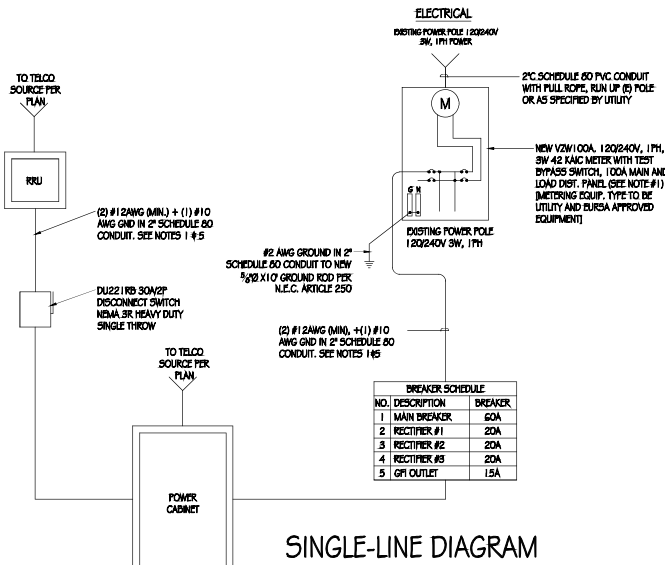


- NOTES:**
- DO NOT INSTALL CABLE GROUND KIT AT A BEND AND ALWAYS DIRECT GROUND WIRE DOWN TO GROUND BAR.
 - GROUNDING KIT SHALL BE TYPE AND PART NUMBER AS SUPPLIED OR RECOMMENDED BY CABLE MANUFACTURER.
 - WEATHER PROOFING SHALL BE (TYPE AND PART NUMBER AS SUPPLIED OR RECOMMENDED BY CABLE MANUFACTURER.)

5 NTS **GND KIT DETAIL**



2 NTS **CONDUIT RISER DETAIL**



SINGLE-LINE DIAGRAM

NO.	DESCRIPTION	BREAKER
1	MAIN BREAKER	60A
2	RECTIFIER #1	20A
3	RECTIFIER #2	20A
4	RECTIFIER #3	20A
5	GFI OUTLET	15A



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▲	08/28/15 CD 100%
	08/28/15 CD 100%

DRAWN BY: TDL
 CHECKED BY: T. LAWRENCE / M. WESS
 APPROVED BY: B. McCOMB
 DATE: 08/28/15
 SHEET TITLE:

ELECTRICAL SINGLE-LINE DIAGRAM & DETAILS
 SHEET NUMBER
E-3

Attachment: Project Plans and Information (1524 : Utility Pole #3501)



June 16, 2016

To: Capitola Planning Department

**From: Stefano Iachella, Radio Frequency Design Engineer,
Verizon Wireless Network Engineering Department**

**Subject: Statement Regarding Proposed Wireless Facility
Public Right-of-Way Near 2020 Wharf Road**

Verizon Wireless has identified a significant gap in its fourth-generation long-term evolution (“LTE”) service in the residential neighborhoods near the Capitola Library at 2005 Wharf Road. This area currently receives inadequate service from the existing Verizon Wireless Live Oak facility located 0.75 miles southwest of the proposed facility and the Capitola facility located 0.6 miles northeast.

Accelerated growth in voice and data usage by Verizon Wireless customers has increased the demand on the existing Verizon Wireless network in a manner that compromises network accessibility and reliability. This accelerating growth in demand has led to capacity exhaustion of the nearby Verizon Wireless Live Oak and Capitola facilities serving the gap area, resulting in severe service degradation in the residential neighborhoods to the west and south of the Capitola Library and at the library itself. The majority of Verizon Wireless’s new 4G service must be provided using AWS Spectrum, which requires facilities closer together and closer to the end user in order to provide a dominant signal and adequate LTE service. Further, there is an absence of in-building LTE service coverage in these residential neighborhoods.

The capacity gap and coverage gap described below constitute the “significant gap” Verizon Wireless seeks to serve (the “Significant Gap”). To avoid further degradation of Verizon Wireless service in the residential neighborhoods west and south of the Capitola Library, the Significant Gap must be remedied through construction of new infrastructure, in this case, a small wireless facility mounted to a utility pole at an existing pole location in the public right-of-way near 2020 Wharf Road immediately north of Capitola Library (the “Proposed Facility”).

Capacity Gap

The identified gap area is served by the existing Verizon Wireless Live Oak facility east-facing antenna sector and the Capitola facility south- and west-facing antenna sectors. These antenna sectors each provide signal to the gap. The Proposed Facility is located such that its antenna sectors will provide new dominant signal to the gap area, particularly residential neighborhoods near the Capitola Library, substantially relieving the overloaded Live Oak facility and Capitola facility antenna sectors.

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

At times of high traffic volume, the coverage area of the surrounding Verizon Wireless facilities shrinks to accommodate an increasing number of mobile devices closer to that facility. In addition, the volume of voice and data services used by Verizon Wireless customers has been increasing rapidly over time, nearly doubling every year.¹ Verizon Wireless has modified its existing facilities in an effort to maximize the capacity available by adding AWS service; however, as shown in the graphics below, increased demand for voice and data services has already outstripped the capacity of the existing Verizon Wireless antenna sectors serving the gap area.

The below graphs show the increased usage over the last year as well as predicted usage through 2016 for the Live Oak facility east-facing antenna sector and Capitola facility south- and west-facing antenna sectors. FDV (Forward Data Volume) is the total volume of data the sector is carrying. PRBU (Physical Resource Block per User) is a measure of the allocation of data blocks.

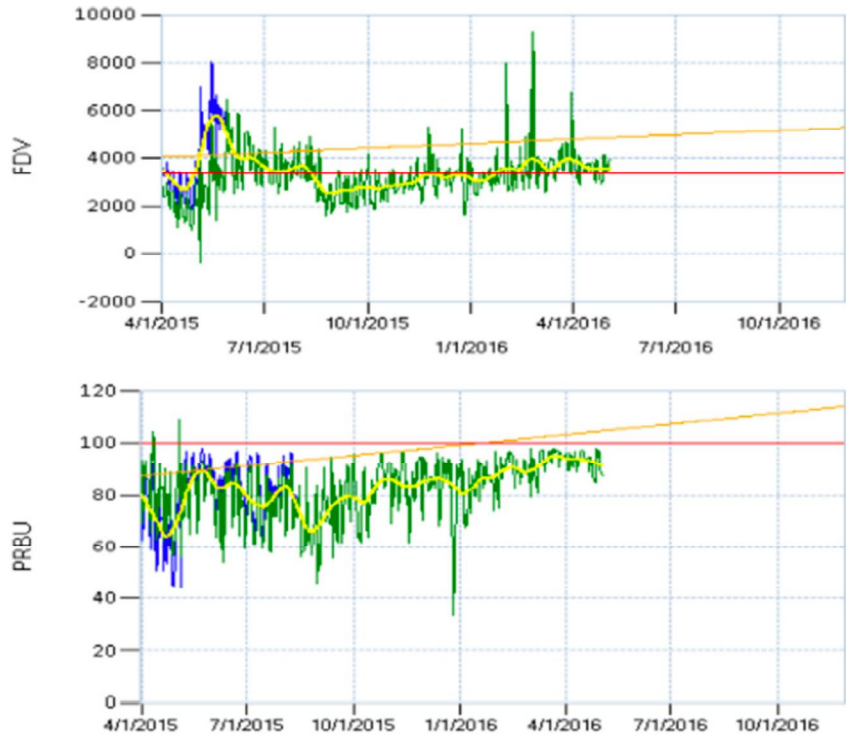
By comparing the trend line of increasing usage (orange line) with the absolute maximum capacity throughput and spectrum availability of this existing facility (red line), Verizon Wireless RF engineering demonstrates that the Live Oak facility east-facing antenna sector reached capacity exhaustion in early 2015. The Capitola facility south-facing antenna sector reached capacity exhaustion in early 2016, and the Capitola facility west-facing antenna sector is predicted to reach exhaustion in mid-2016. Achieving capacity exhaustion severely compromises the Verizon Wireless network serving the residential neighborhoods west and south of the Capitola Library, leading to poor connectivity, loss of internet connections and extremely slow data speeds (the "Capacity Gap"). Measurements confirming slow data speeds are provided in the *Drive Test Total Download Throughput* plot below.

¹ Federal Communications Commission Report & Order 14-153, October 17, 2014, ¶ 7.

Capacity Charts
Live Oak Facility East-Facing Antenna Sector



Capacity Charts
Capitola Facility South-Facing Antenna Sector



Capacity Charts
Capitola Facility West-Facing Antenna Sector



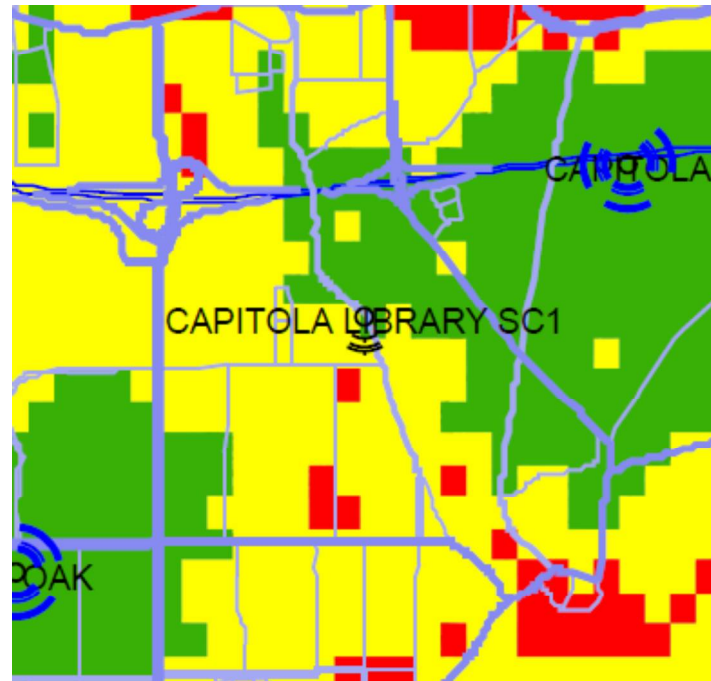
Coverage Gap

The residential neighborhoods west and south of the Capitola Library lack in-building LTE coverage, and there are pockets lacking in-vehicle LTE coverage. These neighborhoods include single-family homes west of the Capitola Library and several housing developments to the south along Wharf Road north of Capitola Road as well as along Clares Street east of 42nd Avenue. Verizon Wireless service is important for residents of these developments as well as for public safety and emergency services personnel responding in the area.

Coverage maps like that below provide important information regarding the anticipated level of LTE signal measured in terms of reference signal received power (RSRP), and therefore the projected coverage provided by a site at a given location.

- **Green** indicates RSRP above -75 dBm, reflecting good coverage that meets or exceeds thresholds to provide consistent and reliable network service inside buildings.
- **Yellow** indicates RSRP between -75 and -85 dBm, generally representing reliable service in vehicles, but not in buildings.
- **Red** indicates RSRP between -85 and -95 dBm, indicating poor service areas with marginal coverage unsuitable for in-vehicle use.

Existing Coverage

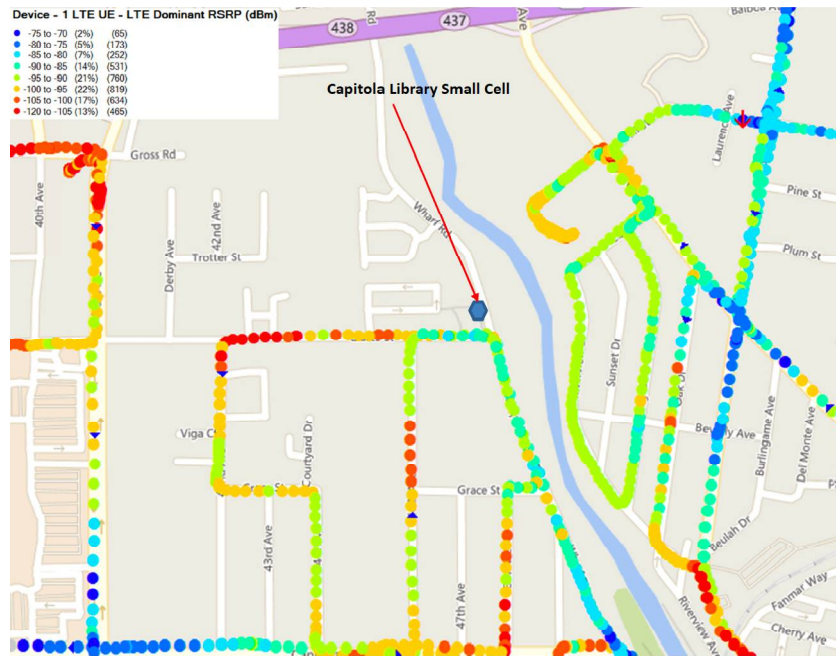


Drive Test

To evaluate the coverage gap and measure data speeds in the area, Verizon Wireless conducted a drive test. On March 29, 2016, during the evening commute between 5:00 p.m. and 6:00 p.m., a test truck was driven through select streets in the gap area to analyze Verizon Wireless service in the area.

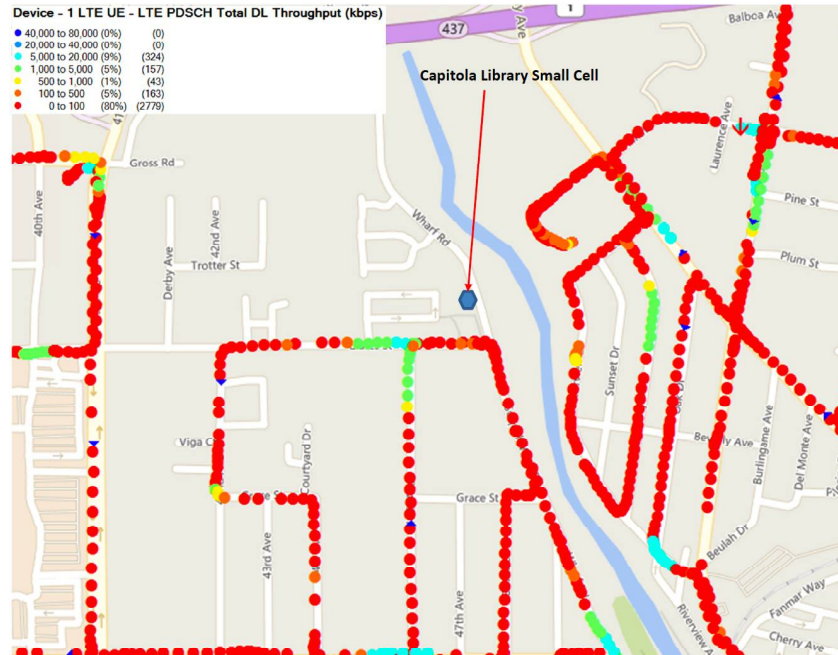
The results of the Verizon Wireless drive test are depicted on the following plots. The first plot, *Drive Test Reference Signal Receive Power*, shows the average LTE signal power received from existing Verizon Wireless facilities serving the area as measured along the drive test route. Strong, usable LTE signal is available in areas with signal above -80 dBm, shown as dark blue shades in limited areas on the plot. These are generally the ranges where calls can be made in a building or vehicle or on the street. Weaker signal (less than -80 dBm) is shown in light blue, yellow, orange and red on the plot. These are areas where Verizon Wireless customers will experience poor service indoors. These areas lack a “dominant” LTE signal from a nearby facility, and as a result, are subject to signal interference and capacity exhaustion. Signal levels in this low range are typical of those found at the edge of coverage from a distant cell site and in areas served by an overloaded antenna sector. The drive test demonstrates that the residential neighborhoods west and south of the Capitola Library are experiencing unacceptably weak LTE signal.

Drive Test Reference Signal Receive Power



The second drive test plot, *Drive Test Total Download Throughput*, shows data packet download speeds for customer mobile phones and devices. Data packets include the digital information used for voice and all other applications of mobile devices. The slowest download speeds, less than 500 kilobytes per second, are shown as red and orange on the plot, and much of the gap area experiences such slow data speeds.

Drive Test Total Download Throughput



Conclusion

The Significant Gap in Verizon Wireless network capacity affects the residential neighborhoods west and south of the Capitola Library as increasing demands on the existing Verizon Wireless network have outstripped the capacity of the antenna sectors serving the area, resulting in very slow data speeds and poor connectivity. Further, there is a gap in in-building LTE coverage in these residential neighborhoods. The Proposed Facility is essential to bring new reliable Verizon Wireless service to residents and visitors to the area.

Please feel free to contact me with any questions or comments regarding Verizon Wireless's proposed facility.

Respectfully submitted,



Stefano Iachella
RF Design Engineer
Network Engineering Department
Verizon Wireless



3 Rovina Lane
Petaluma, CA 94952

Ryan Safty
Planning Department
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

May 27th, 2016

**Subject: Letter of Intent to Close Planning Application
2020 Wharf Rd, Proposed Wireless Antenna Facility #15-109**

PROJECT ISSUES /CORRECTIONS (RESPONSES)

The following project issues and/or corrections to submitted plans and documents must be completed to keep the application active.

17.98.70 Submittals (Wireless Facilities):

7. Visual Analysis. A visual impact analysis including scaled elevation diagrams within the context of the building, before and after photo simulations from various locations and/or angles from which the public would typically view the site, and a map depicting where the photos were taken. Where the installation would be readily visible from the public right-of-way or from surrounding properties, the application shall include an explanation as to why, if screening or other techniques to minimize visibility are not proposed, such approaches to reduce the visibility of the installation would not be effective. The director may require the submission of photo overlays, scaled models, renderings, and/or field mock-ups to assess any potential visual impact including proper coloration and blending of the facility with the proposed site.

RESPONSE: *Yes, the wireless facility is located in a right-of-way, however all the equipment is located on the utility pole and there are no pieces of ground mounted equipment. Verizon operates as a public utility, therefore has rights to install equipment as a 'Local Exchange Carrier'. From a visual mitigation standpoint, the proposed meter is the lowest piece of equipment on the pole, and being at 7', adding a new fence or potential landscape would violate NEC, along with prevent access in emergencies to the pole. The Proposed equipment can be painted brown to match the pole (it is grey on the photosims to stand out to reflect the new equipment). We are happy to place "brown" mock up equipment to show how innocuous the new pole equipment will be. The request from the City is to screen the equipment, but given the proposed height, it would create additional visual impact to add screening. Please also note, as Verizon is only a ¼ owner of the pole, we cannot impede beyond 25% of the "pole access".*

Plan Corrections/Additional Information

The following corrections or additional information are necessary in order to continue processing your application.

1. You must modify the photo-simulations and site plan/elevations to show the proposed equipment storage area on the ground. – **RESPONSE:** *I have modified the photosims to reflect the proposed equipment being painted brown, along with leaving a page "grey" equipment to highlight. There is no ground equipment proposed.*

2. Additionally, you must show how you propose to screen both the equipment area and the actual antennas. If you do not plan to screen the antennas, you must state the reasons why.

RESPONSE: *The antennas cannot be "screened" further as they are already designed within a stealth radome, which is designed to screen the antennas. As the antennas are located on the top of the utility pole, there is no way to screen them without impacting the existing utility service being provided to the area.*

I have also provided the following material:

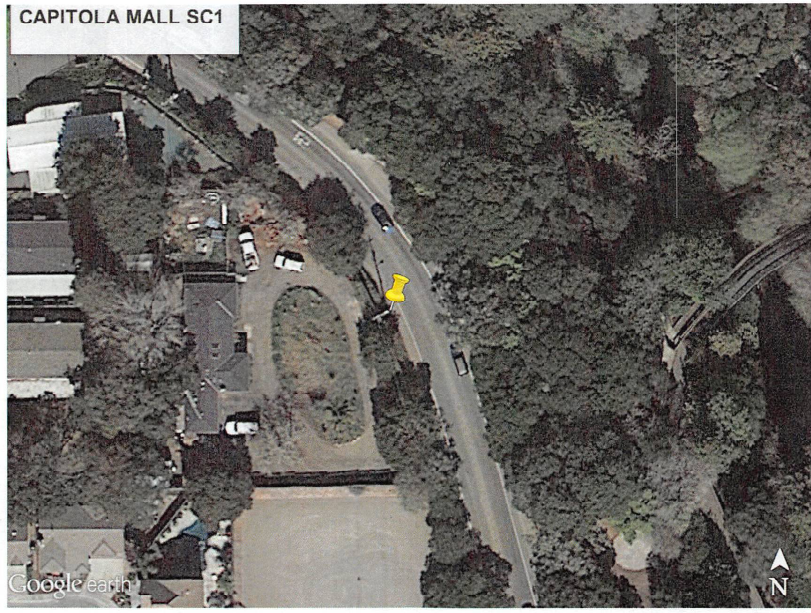
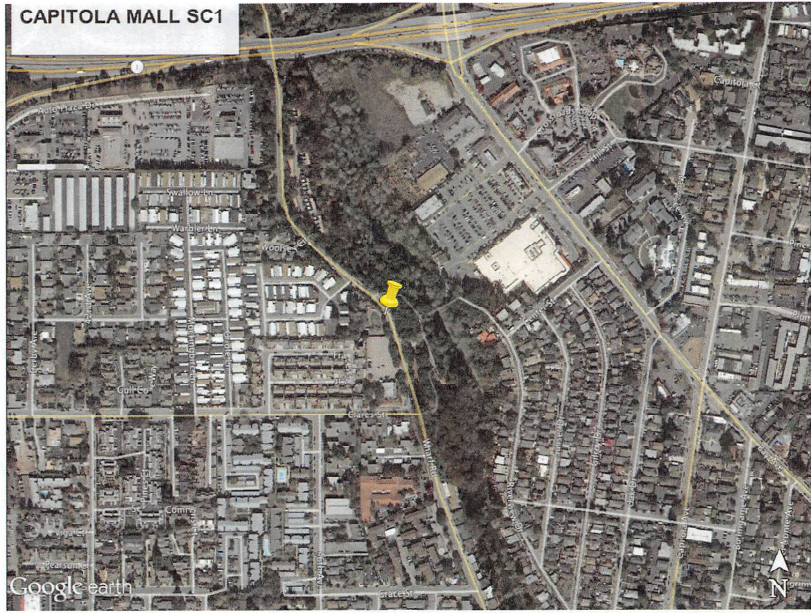
- Alternative Sites Analysis – Reflecting our rationale for choosing the location you have before you.
- RF Justification (this will accompany the \$3500 check already received)

Thank you,

Jason Osborne

Jason F. Osborne
Beacon Development, LLC
3 Rovina Lane
Petaluma, Ca 94952
(415) 559 2121 mbl
(415) 358-5766 efax
Jason@beacondev.net

OVERVIEW



ADL Simulations, Inc. ♦ (415) 559-2121 ♦ adlsimulations@gmail.com



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Attachment: Project Plans and Information (1524 : Utility Pole #3501)



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Installing (N) electric meter, (3) (N) RRH, (N) Charles cabinet & (N) 2' cylindrical antenna. All equipment to be painted to meet jurisdictional approval.

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Attachment: Project Plans and Information (1524 : Utility Pole #3501)



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Installing (N) electric meter, (3) (N) RRH, (N) Charles cabinet & (N) 2' cylindrical antenna. All equipment to be painted to meet jurisdictional approval.

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EXISTING - LOOKING SE



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PROPOSED - LOOKING SE

Installing (N) electric meter, (3) (N) RRH, (N) Charles cabinet & (N) 2' cylindrical antenna. All equipment to be painted to meet jurisdictional approval.



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Attachment: Project Plans and Information (1524 : Utility Pole #3501)

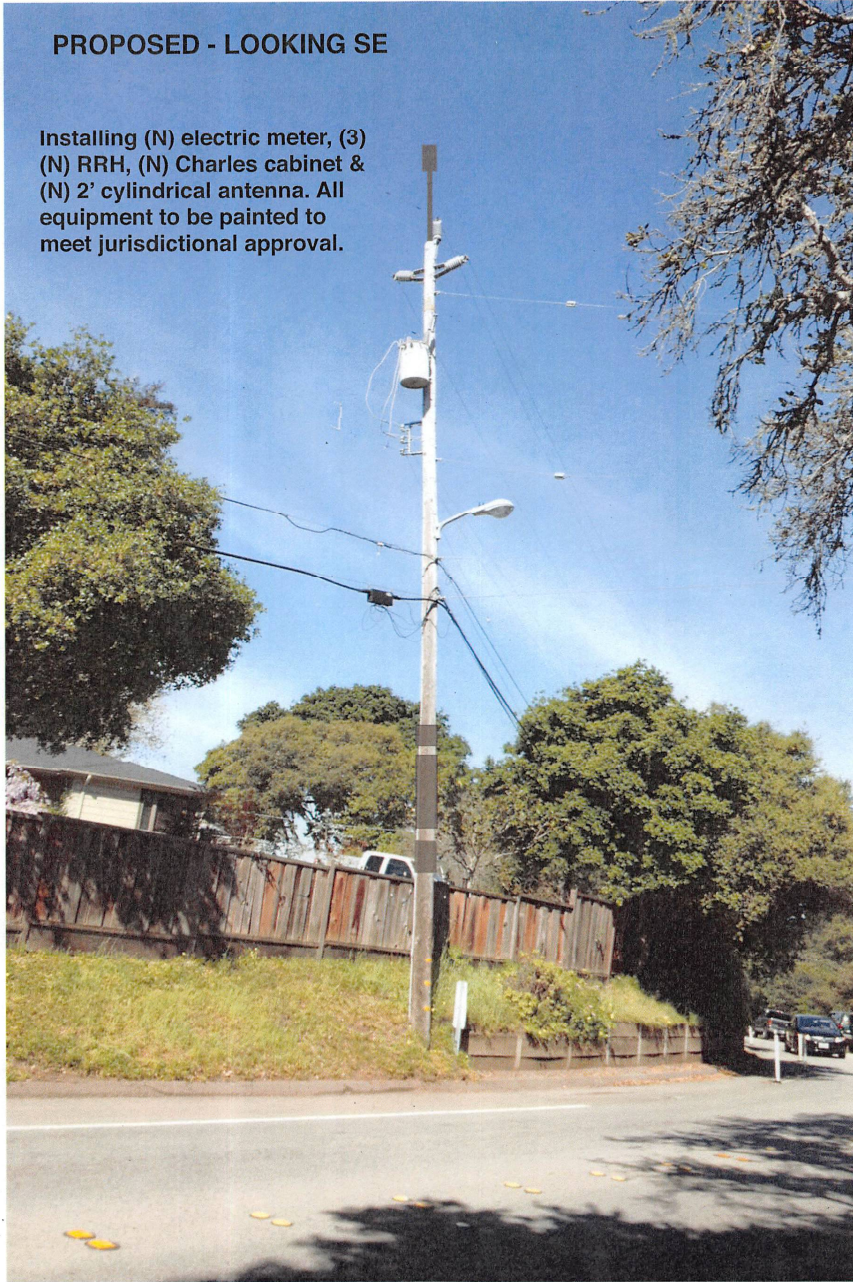


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PROPOSED - LOOKING SE

Installing (N) electric meter, (3) (N) RRH, (N) Charles cabinet & (N) 2' cylindrical antenna. All equipment to be painted to meet jurisdictional approval.



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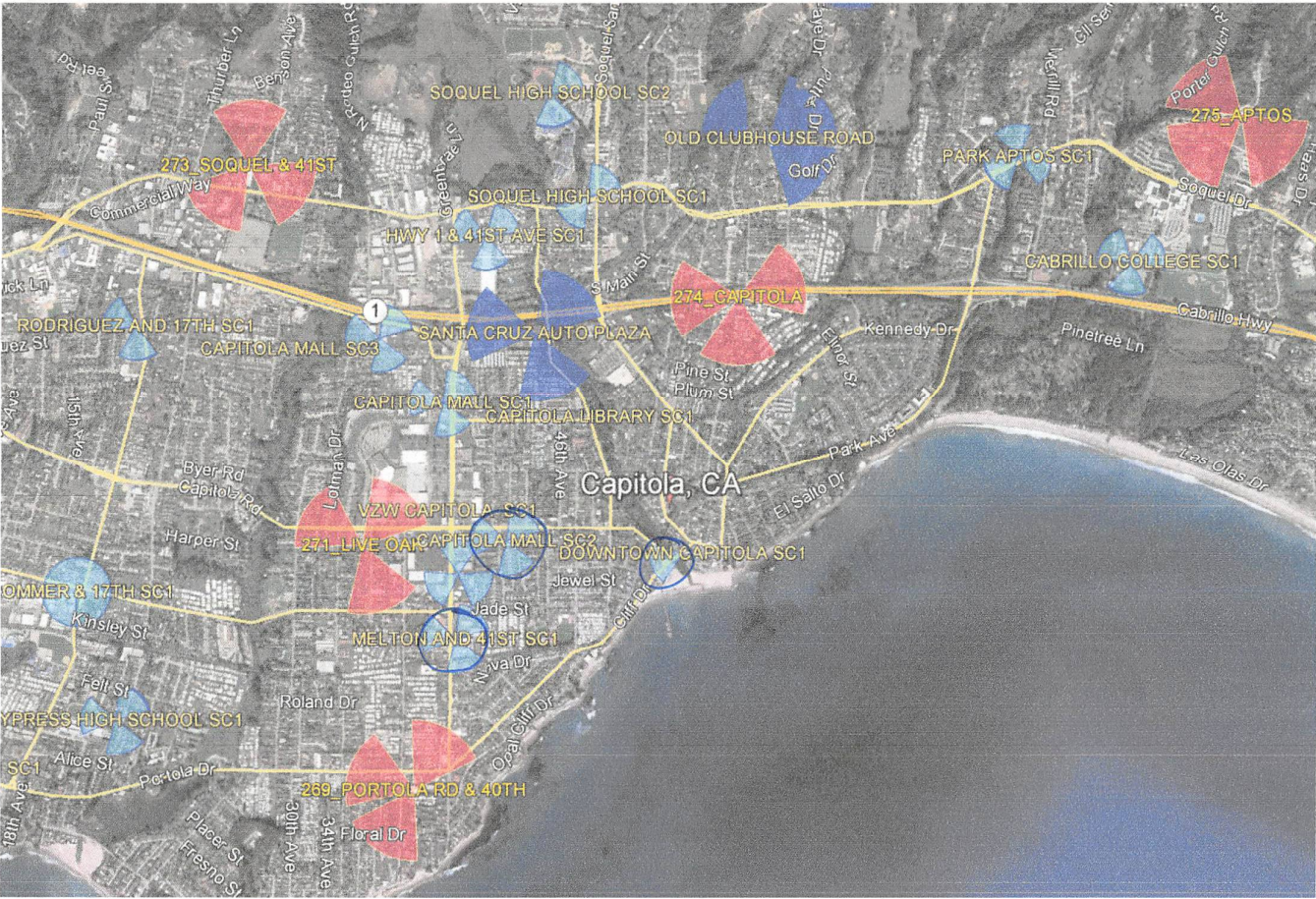
Verizon Wireless Statement for the city of Capitola

Prepared by Verizon Wireless
RF Engineering

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DOWNTOWN CAPITOLA SC1



Existing facilities:
 CAPITOLA, LIVE OAK,
 PORTOLA RD & 40TH
 SOQUEL & 41ST, APTOS

Planned facilities:
 CAPITOLA MALL SC1
 CAPITOLA MALL SC2
 CAPITOLA MALL SC3
 CAPTIOLA LIBRARY
 SANTA CRUZ AUTO PLAZA
 PARK APTOS SC1
 CABRILLO COLLEGE SC1
 OLD CLUBHOUSE ROAD
 HWY 1 & 41ST AVE SC1
 MELTON AND 41ST SC1
 SOQUEL HIGH SCHOOL SC1
 SOQUEL HIGH SCHOOL SC2
 DOWNTOWN CAPITOLA SC1



Attachment: Project Plans and Information (1524 : Utility Pole #3501)



CAPITOLA

Information on existing facilities within a mile:

CAPITOLA

Location – 36-59-01.02 N, 121-56-58.65 W

Macro cell site on a 72' tall Monopole collocating with NEXTEL, SPRINT, CELL ONE.



CAPITOLA is a major site serving residential and commercial traffic in the eastern portion of the city from Perry Park all the way to Aptos, including malls on Bay Ave, HWY 1, Downtown Capitola, and Soquel High School. This is a heavily exhausted site with too many connected users and very low data speed due to the small number of cell sites in the area.



LIVE OAK

Information on existing facilities within a mile:

LIVE OAK

Location – 36-58-22.80 N, 121-58-10.50 W

Macro cell site on a 108.5' tall Monopole collocating with three other carriers. Verizon antennas are at 60'.



LIVE OAK serves the entire Capitola mall area as well as highly dense population area with a lot of data traffic. Due to the number of users and the amount of data services requested by users, Live Oak is exhausted and is performing poorly. Immediate capacity offload by adding more sites is recommended for better user experience and seamless E911 service.

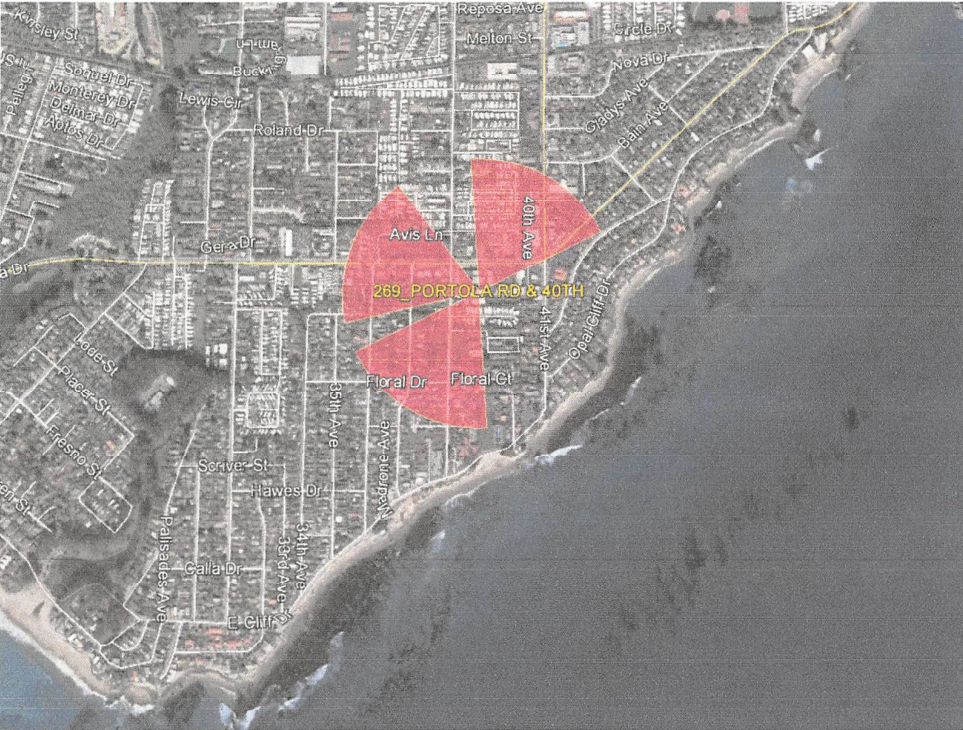


PORTOLA RD & 40TH

Information on existing facilities within a mile:

PORTOLA RD & 40TH

Location – 36-57-45.90 N, 121-58-00.00 W
Macro cell site on a 35' tall building roof.



PORTOLA RD & 40TH site serves the lower portion of Capitola along the beach, and residential houses in the area. This site is also heavily overloaded and exhausted with a too many connections and too many data usage.

Attachment: Project Plans and Information (1524 : Utility Pole #3501)



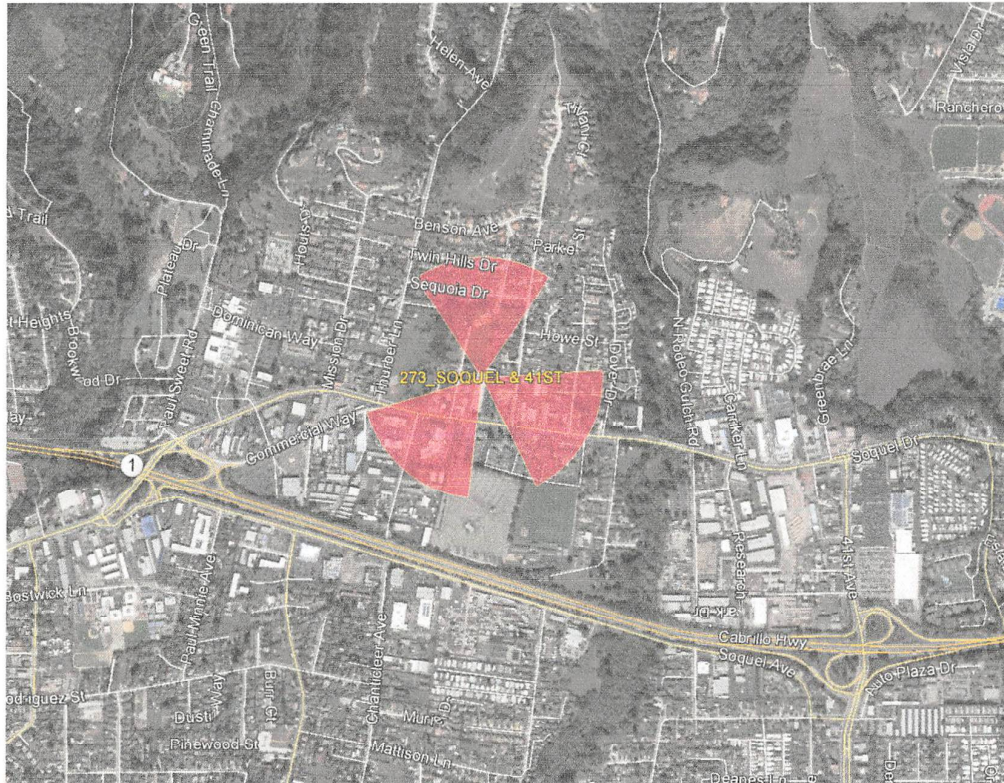
SOQUEL & 41ST

Information on existing facilities within a mile:

SOQUEL & 41ST

Location – 36-59-21.69 N, 121-58-33.60 W

Macro cell site with antennas mounted in a Chimney on a roof of a 35' building.



SOQUEL & 41ST serves the western portion of Soquel and HWY 1. There are some commercial zones and residential areas that have data traffic that is not exhausting overwhelming the macro, but is increasing in a fast pace. We anticipate that this site will reach its maximum capacity at the end of 2015.



APTOS

Information on existing facilities within a mile:

APTOS

Location – 36-59-28.06 N, 121-55-23.39 W
Macro cell site on a 51' tall antenna tower.



APTOS is another major site in the area that serves the entire city of Aptos including high traffic areas like Cabrillo College and surrounding residential areas. This site is also heavily exhausted and more cell sites must be added to provide good service in this area.

Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.



DOWNTOWN CAPITOLA SC1

Information on planned facilities within a mile:

(Please note that all information regarding “planned” facilities is subject to change.)

CAPITOLA MALL SC1 – 36-58-44.75 N, 121-57-55.40 W

CAPITOLA MALL SC2 – 36-58-24.32 N, 121-57-39.19 W

CAPITOLA MALL SC3 – 36-58-54.79 N, 121-58-07.78 W

Small Cell sites with a minimal design of a single 2’ canister antenna on JPA poles to offload traffic from LIVE OAK macro cell site that is currently serving the entire Capitola Mall.

SANTA CRUZ AUTO PLAZA – 36-58-55.48 N, 121-57-37.81 W

Planned macro in the area. Location is not settled.

CAPITOLA LIBRARY – 36-58-46.59 N, 121-57-29.23 W

Small Cell site with a minimal design of a single 2’ canister antenna on a JPA pole to offload traffic from CAPITOLA and LIVE OAK site that are currently serving the area.

PARK APTOS SC1 – 36-59-22.86 N, 121-56-04.59 W

Small Cell site with a minimal design of a single 2’ canister antenna on a JPA pole to offload traffic from CAPITOLA and APTOS macro sites that are currently serving the area.

CABRILLO COLLEGE SC1 – 36-59-09.05 N, 121-55-32.24 W

Small Cell site with a minimal design of 2’ antennas on a light pole to offload traffic from CABRILLO COLLEGE.



DOWNTOWN CAPITOLA SC1

Information on planned facilities within a mile:

(Please note that all information regarding “planned” facilities is subject to change.)

OLD CLUBHOUSE ROAD – 36-59-25.57 N, 121-56-52.35 W

Macro cell site to offload traffic from CAPITOLA and provide better coverage and capacity to the city of Soquel.

HWY 1 & 41st AVE SC1 – 36-59-10.74 N, 121-57-47.59 W

Small Cell site with a minimal design on a rooftop to offload traffic from SOQUEL & 41st and CAPITOLA macro.

MELTON AND 41ST SC1 – 36-58-08.67 N, 121-57-52.54 W

Small Cell site with a minimal design of 2' canister antennas on a rooftop to offload traffic from LIVE OAK and Capitola mall.

SOQUEL HIGH SCHOOL SC1 – 36-59-17.36 N, 121-57-27.65 W

SOQUEL HIGH SCHOOL SC2 – 36-59-33.63 N, 121-57-35.16 W

Small Cell sites with minimal design of a 2' canister antenna on a rooftop to provide coverage and capacity to Soquel High School.

DOWNTOWN CAPITOLA SC1 – 36-58-21.54 N, 121-57-09.30 W

Small Cell site with a minimal design of a 2' canister antenna on a rooftop to provide coverage and capacity to the area and offload existing CAPITOLA site.



420 Capitola Avenue
 Capitola, California 95010
 Telephone : (831) 475 -7300
 FAX: (831) 479-8879
 Website: www.ci.capitola.ca.us

June 6, 2016

Jason Osborne
 3 Rovina Ln
 Petaluma, CA 94952

Subject: 2020 Wharf Rd -Proposed Wireless Facility #15-109

Dear Mr. Osborne:

The City of Capitola Community Development Department has completed its review of your resubmitted application on May 27th, 2016 for a Conditional Use Permit to install a wireless facility onto an existing utility pole at 2020 Wharf Road and is providing you with the following information as a guide for further processing of your application.

PROJECT DESCRIPTION

Below is the project description that staff has developed based on the information submitted in your application package. Please review this project description carefully. If the description is inaccurate or incomplete, please contact your assigned planner immediately to correct the information .

This is a request for a Conditional Use Permit to allow for the addition of a wireless facility to be attached to an existing utility pole at 2020 Wharf Rd. The proposal involves the construction of two new canister antennas and a 7 foot extension to the existing utility pole. The existing utility pole is located adjacent to the Wharf Road right-of-way and is within 300 feet of residential.

APPLICATION COMPLETENESS DETERMINATION

The Community Development Department has completed its review of your application and has found it **incomplete** pursuant to Section 65943 of the California Government Code. As detailed herein, additional information and/or corrections need to be submitted in order for staff to continue processing your application .

Project Issues

The following project issue was identified during review of your application. This issue will require a additional information on the project or, if not resolved, will result in the Department recommending denial of your project. This issue was identified based upon information presently available to the City and are subject to change upon submittal of further information or studies:

Per the first Incomplete Letter sent on 8/26/15 (attached):

1. Re-locate the proposed wireless facility so that it is not within 500 feet of the following restricted zoning districts:
 - a. Single-family residence (R-1)
 - b. Multi-family residence (RM)
 - c. Mobilehome exclusive (MHE)
 - d. Commercial residential (CR)
 - e. Parks and open space (P/OS)
 - f. Public facilities (PF)
 - g. Transient rental use overlay (TRO)

OR

2. According to the City Attorney, FCC regulations pertaining to wireless facilities may preempt the City's ability to deny a permit if the applicant can demonstrate that the City's regulations result in an "effective prohibition" of personal services if it prevents a wireless services provider from closing a "significant gap" in coverage. If your application qualifies for this exception, your application must be updated to show data supporting the significant gap, how the proposed wireless facility would close the gap, coverage of other sites, and evidence of no alternatives. The City would then hire a 3rd party specialized in review of wireless systems to review the information provided.

Plan Corrections/Additional Information

The following corrections or additional information are necessary in order to continue processing your application. The first item is outstanding from the first Incomplete Letter, and the next two are necessary submittal requirements per 17.98.070 – Submittals - of the Wireless Communications Facilities chapter of the Capitola Municipal Code.

1. You must prove that the alleged "gap" cannot be addressed by a facility located in a preferred zone by City standards.
 - Specifically, explain why a small-cell site is needed at this location. Verizon states that they plan to place a new facility on top of the Capitola Auto Mall on Auto Plaza Drive at some point in the future. Will the new auto mall site, which is located in a preferred zone, help to enclose the existing gap in coverage? It seems that a larger facility on the auto mall would help fill the subject gap. If not, please explain why.

Verizon Response Item#1:

The site at the Auto Mall is a very short site. With the zoning rules and the landlord's restrictions, we are limited to a 30' centerline here. This means the site will not cover very far. In addition, the southerly sector of the Auto Mall (library is to the south) is pointing into a row of trees behind the residences of Swallow Ln. This will attenuate the signal as it leaves the Auto Mall. There is another group of trees surrounding Woolsey Cir. that is also in the direct path between this sector and the library. The objective of the Auto Mall is predominantly the business areas near the freeway and some residential surrounding the business areas. The signal from the Auto Mall site will have weakened in the southerly direction such that getting into the library will be very limited.

The objective of the Capitola Library Small Cell is to serve the Capitola Branch Library. To this end it is located just outside the parking lot of the library.

The objectives and reach of each of these sites is very specific. Getting adequate signal indoors is a challenge. Being very close to a building with as few obstructions as possible is the best way to penetrate the building.

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

I have also attached a number of documents to address your questions/comments:

- *Alternative Sites Analysis*
- *Capacity Coverage Justification*
- *Capitola Capacity Charts*
- *Capitola Library Drive Data*
- *Live Oak Capacity Charts*

2. Co-location agreement, demonstrating that the cell site will allow other carriers to co-locate.

Verizon Response Item #2:

Verizon has no issue with colocation, but there are a few factors the City must be aware, as the existing JPA pole has limitations on what can be placed on the pole. The 1st criteria, any future carrier must be a member of the Joint Pole Association. The 2nd criteria, The "New" carrier must also apply with the JPA, who notify all the existing utility stakeholders on the subject pole to ensure they have the proper clearances and adhere to GO95 (General Order 95: <http://162.15.7.24/PUBLISHED/Graphics/93038.PDF>), and the 3rd they must maintain clearances from our existing equipment to avoid intermodulation (interference between frequencies) along with allow proper climbing clearances for all "pole owners"(This of course, must be completed along with securing a Use Permit from the City of Capitola).

3. Financial Guarantee for the removal of the facility in the event that its' use is abandoned, or its' approval is terminated.

Verizon Response Item #3:

Please find the attached summary of removal costs, totaling \$18,000, if approved by the City, we can provide a Removal Bond as a condition of approval. It is included as an attachment.

Please resubmit the above listed information by June 13th, 2016. Please note that any delays in providing revised documents to the City may also result in your July 21st, 2016 Planning Commission hearing date being postponed.

ESTIMATED PROCESSING COST

At time of application, the City took in the following fees and deposits:

Application Intake fee:	\$535.50
CEQA Exemption	\$106.00
Public Noticing	\$376.00
Planner Cost Recovery Deposit	\$3,000.00
Deposit for technical review	\$3,500.00

Please contact the City and inform us on what you would like to be done with your open application. If you have any questions or require additional information, please contact me at 831.475.7300 or by email at rsafty@ci.capitola.ca.us.

Ryan Safty
Assistant Planner

NEXIUS

June 8, 2016

City of Capitola
Planning Department
420 Capitola Ave.
Capitola, CA 95010

RE: 2020 Wharf Road – Application #15-109

Dear City of Capitola Planning Department,

Per your letter dated June 6, 2016, below is the estimated cost to remove the proposed Verizon Wireless facility located at 2020 Wharf Road.

- \$12,000 - Above primary conductor work by PG&E GC (Removal of antenna and disconnect of power)
- \$2500 - Traffic control
- \$2000 – 2 man crew labor rate = @ \$85 an hour
- \$1500 - Man-lift (* If needed)
- **Total cost = \$18,000**

Sincerely,

Jason Osborne

Jason Osborne
Project Manager
Nexius / Beacon Development
415-559-2121



Verizon Wireless Cell Site Necessity Case – Capitola Library SC1

Prepared by Verizon Wireless
RF Engineering



Introduction:

There are two main drivers that prompt the creation of a cell site project, coverage and/or capacity. Most sites provide a mixture of both, but increasingly some sites are pure capacity.

Coverage is the need for expanded service often requested by our customers or emergency services personnel. While this initially meant providing coverage in vehicles, as usage patterns have shifted this now means improving coverage inside of buildings and in residential areas.

Capacity is the need for more bandwidth of service. In the simplest form this means a cell site can handle a limited number of voice calls, data mega bites, or total number of active users. When any one of these limits are met the user experience within the coverage area of that cell quickly starts to degrade during the busier hours of use.



Coverage is best shown in coverage maps. We use tools that take into account terrain, vegetation, building types, and cell site specifics to show predictions of the existing coverage and what we expect to see with a given cell site. The prediction models make some assumptions such as that the antennas are above the nearby ground clutter (Buildings and vegetation). Once the antennas fall below the ground clutter the models become inaccurate and cannot tell that specific trees or buildings are blocking the RF signal. Due to this, modeling of tower height requirements is frequently not accurate and misleading.



Capacity is best shown in graphs of usage growth and projected exhaustion. We utilize sophisticated programs to model current usage growth and project it into the future to determine when additional capacity will be required. The algorithms that predict capacity growth output numbers that are not easily explained. Since it takes 2-3 years on average to complete a cell site project, we have to be looking about 3 years into the future to meet future customer demand.

While data capacity may not seem urgent, beginning in 2014 voice traffic began to migrate from the older 3G voice technology to 4G VoLTE (Voice over IP). This will add additional load to the 4G data network. Since voice is delay sensitive, exhaustion of the data network can cause degradation of voice calls including 911 calls.



“Why do you need a site here???”

A good capacity cell will be close to the user population and have the traffic evenly spread around the site. When we cannot get a location that accomplishes being close to the customers and central to the usage, we end up having to build additional cells to meet the demands for service. Capacity sites are generally lower in height than a coverage site with a full cell needing to be above the ground clutter (buildings, trees, & etc.) and a small cell being one that is at or below the ground clutter.

Where our customers use their wireless devices continues to evolve. While we once needed to cover highways and business districts, we are seeing increasing issues with high growth in residential areas. Current statistics show that about 1 of 3 American households no longer have a landline phone. To serve this need we have to increase the cells we have in or very near residential areas.



Need Case for: Capitola Library SC1



The green line shows Physical Resource Blocks per User
 Red line is the threshold where significant service degradation will be seen.
 The orange line is the average, or trend.

Summary: This graph for the Capitola cell site shows data usage is high and exhausting soon.

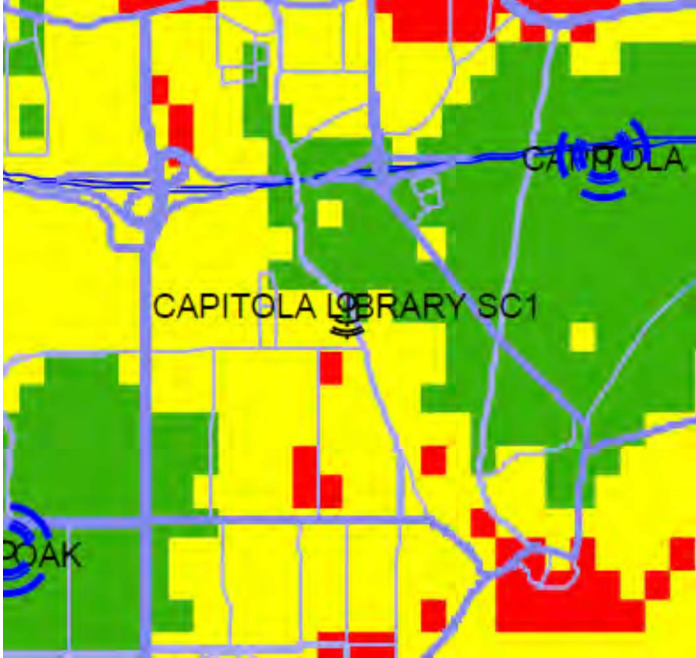
The graph above shows Physical Resource Blocks per User (PRBU). **PRBU** is a measurement of data allocation. As users demand more traffic, blocks are allocated for the traffic until the available blocks are used up. It can rise just above the red line, then reaches a limit and data delivery is delayed. With voice traffic transitioning from the old 3G technology to the new 4G technology we will see further increases in 4G data traffic. Since the 4G network will be carrying 911 calls and is used extensively in support of police and fire emergency response it is critical that we do not allow service quality to degrade. Capitola will reach the red line on or around the first of next year, according to the average. Data will become severely limited at that time.

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

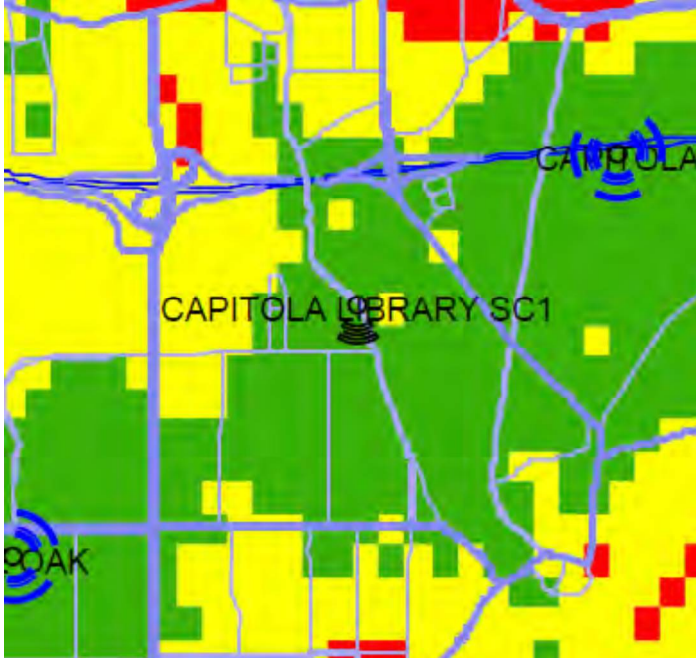


Need Case for: Capitola Library SC1

Existing Coverage



Proposed Coverage



The proposed Capitola Library SC1 site is a capacity site designed to provide data offload for Capitola. The primary objective of this site is to support the rapid growth in 4G data use we are seeing in this area by providing a new small site to serve the library.

Green=Good In-Building, Yellow= Good In-Vehicle, Red=Good on-Street.

Confidential and proprietary materials for authorized Verizon personnel and outside agencies only. Use, disclosure or distribution of this material is not permitted to any unauthorized persons or third parties except by written agreement.

ALTERNATIVE SITE
ANALYSIS
CAPITOLA LIBRARY SCI

Attachment: Project Plans and Information (1524 : Utility Pole #3501)



Attachment: Project Plans and Information (1524 : Utility Pole #3501)

(A) 36.978379°, -121.957587°



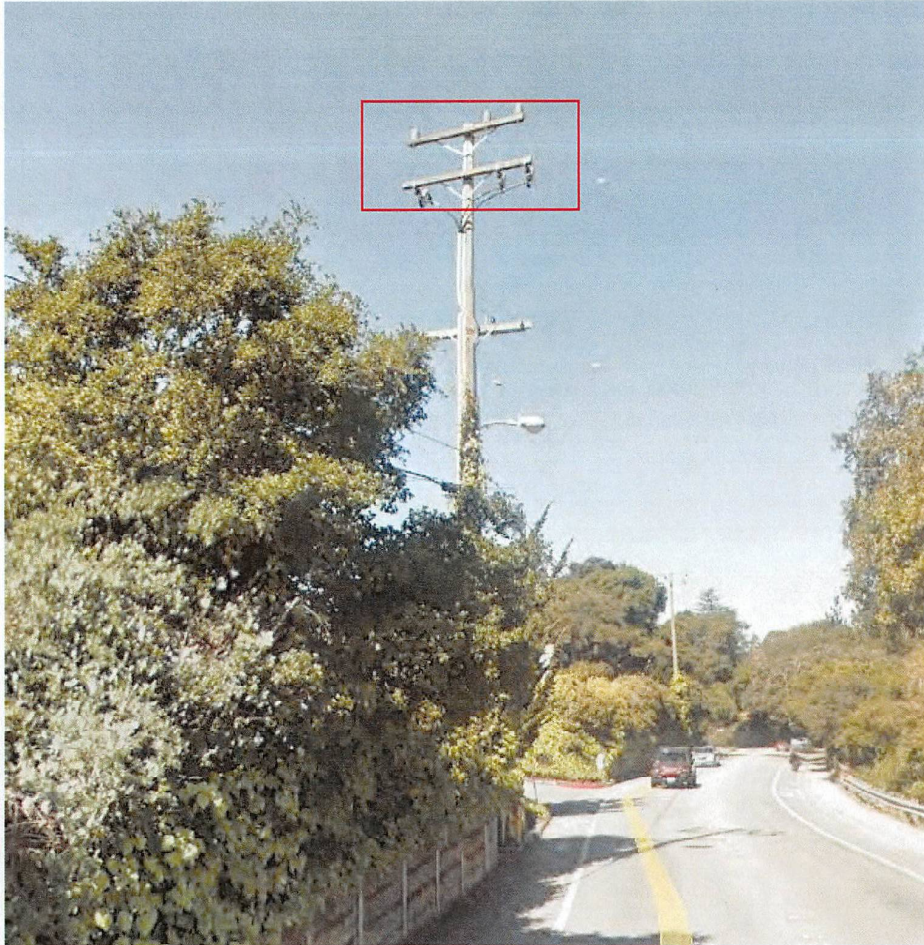
Original Pole - City asked Nexius to move locations due to redevelopment.

(B) 36.979613°, -121.958135°



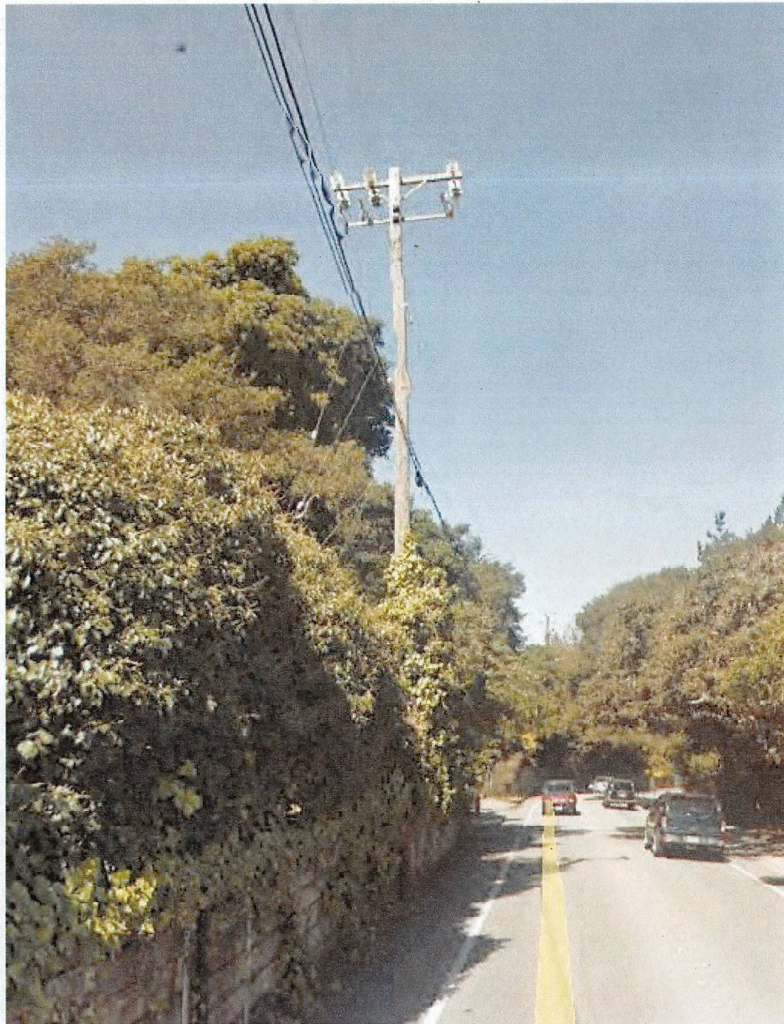
Current candidate location. PG&E wood utility pole. Canister antenna must maintain 6' clearance of power line

(C) 36.979907°, -121.958515°



PG&E pole with a primary riser present. Per GO95 guidelines, we can not legally place our equipment in the 33% climbing space, which would impact the existing use of the 'power' distribution for the neighborhood.

(D) 36.980298°, -121.959099°



Cannot be used due to existing landscaping. Landscaping does not allow for sufficient space to install equipment on pole. Existing landscaping would also pose safety concerns for installing equipment.

(E) 36.978434°,-121.958466°



PG&E pole with a primary riser present. Per GO95 guidelines, we can not legally place our equipment in the 33% climbing space, which would impact the existing use of the 'power' distribution for the neighborhood.

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

(F) 36.978616°, -121.957924°



PG&E pole with insufficient climbing space per GO95 standards.

Project Description

Verizon Wireless Small-Cell Telecom Facility
2020 Wharf Rd., Capitola, CA 95010
Verizon Site Name: Capitola Library SC1
APN: Public ROW

Nature of Request

Verizon seeks a Planning Department approval to install a new “microcell” wireless facility on an existing PG&E pole in the public right-of-way. The purpose of this facility would be to increase capacity by offloading wireless communications traffic from surrounding areas.

Property Description

The subject property is zoned RM-M (Multiple Family – Medium Density) and is owned by PG&E. The proposed microcell site is an existing PG&E pole in the public ROW in front of 2020 Wharf Rd., Capitola, CA 95010.

Project Description

The proposal is for a new, unmanned, pole-mounted “small cell” facility. The proposal includes:

- Mount (1) (N) 2-ft-high canister antenna centered at ±46'-10" AGL and topping at ±47'-10".
- Install (3) (N) remote radio units (RRUs) on the pole below the antenna centered at ±16'-4"AGL.
- Install a Charles equipment cabinet on the pole centered at ±14'.
- Install a (N) electrical meter and disconnect switch on the pole.

Statement of Operations

The proposed Verizon communication facility will use existing electrical and telephone services, which are readily available to the site. No nuisances will be generated by the proposed facility, nor will the facility injure the public health, safety, morals or general welfare of the community. Verizon technology does not interfere with any other forms of communication devices whether public or private.

Upon completion of construction, finetuning of the facility may be necessary, meaning the site will be adjusted once or twice a month by a service technician for routine maintenance. The site is entirely selfmonitored and connects directly to a central office where sophisticated computers alert personnel to any equipment malfunction or breach of security.

Because the facility will be un-staffed, there will be no regular hours of operation and no impact to existing traffic patterns. Existing public roads will provide access to the technician who arrives infrequently to service the site. No on-site water or sanitation services will be required as a part of this proposal.

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

Zoning Analysis

The site of the proposed facility is currently zoned RM-M (Multiple Family – Medium Density) and the location of the light pole is in a public right-of-way. This project requires no zoning changes.

Compliance with Federal Regulations

Verizon will comply with all FCC rules governing construction requirements, technical standards, interference protection, power and height limitations, and radio frequency standards. In addition, the company will comply with all FAA rules on site location and operation.



June 10, 2015

Subject: Verizon Wireless Maintenance of Proposed Small Cells in Capitola

At a minimum, Verizon Wireless technicians visit their cell sites once a quarter. During this quarterly preventative maintenance, the technician is tasked with observing and identifying any concerns with the cell site. This can include issues with the Verizon Wireless provided equipment (e.g. radio, antennas) as well as issues with the grounds themselves (e.g. sweeping away debris from the ground, identifying roofing hazards).

The technician will usually arrive in a pickup truck and parks in a manner that is unobtrusive and respectful of the landowner's property. On occasion up to three technicians may work on an individual cell site, but typically there will be only be one technician working at a particular time.

Verizon Wireless will also dispatch a technician to repair malfunctioning systems at the cell site itself. Verizon has alarming of its systems to verify when a break-fix is required. These types of issues happen irregularly, so there is no specified frequency of occurrence.

The proposed small cells will be treated much like a standard macro (large cell) deployment in terms of maintenance. Verizon Wireless, at times, may use contractors to aide in break-fix. These contractors are held to the company's standards and are expected to work and conduct themselves in the same manner as Verizon Wireless cell technicians.

The goal with these sites is to be able to provide reliable cell service to the city and to our customers.

Thanks,

Sanjiv Sinnaduray
Supervisor - Operations

Attachment: Project Plans and Information (1524 : Utility Pole #3501)



Business Development

US Mail:
Pacific Gas and Electric Company
PO Box 770000
Mail Code N10D
San Francisco, CA 94177-0001

Overnight Mail:
Pacific Gas and Electric Company
245 Market Street
Mail Code N10D
San Francisco, CA 94105

Fax: 415.973.3884

June 12, 2015

City of Capitola
420 Capitola Ave
Capitola, CA 95010

*RE: Proposed Verizon telecommunications installation located on Wharf Road
between Clares Street and Woolsey Circle in Capitola.
Coordinates: 36°58'46.59"N, 121°57'29.23"W.*

To whom it may concern:

This letter is in regards to zoning permit applications that you should be receiving shortly from Nexius, a consultant for Verizon Wireless.

PG&E entered into a Master License Agreement (MLA) with Verizon Wireless in May 2014. The MLA allows Verizon to attach their equipment and antennas to PG&E distribution poles. Verizon has always been authorized to attach their equipment and antennas below the primary and secondary power lines. They are now licensed to use the space owned by PG&E called the power zone. The power zone is at pole top, above the power lines. Their antennas will be attached at the pole top level.

Please call me at (415) 972-7057 if you have any questions or concerns regarding this matter.

Regards,

Kathie Stefani
Kathie Stefani
Kas8@pge.com
Contract Manager

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

Radio Frequency - Electromagnetic Energy (RF-EME) Jurisdictional Report

Site No. 291690
Capitola Library SCI
2020 Wharf Road
Capitola, California 95010
Santa Cruz County
36° 58' 46.55" N, -121° 57' 29.20" W NAD83

EBI Project No. 6215003416
June 22, 2015



Prepared for:
Verizon Wireless
2785 Mitchell Drive
Walnut Creek, CA 94598

Prepared by:
 **EBI Consulting**
environmental | engineering | due diligence

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

RF-EME Compliance Report
EBI Project No. 6215003416

Site No. 291690
2020 Wharf Road, Capitola, California

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APPENDICES

- APPENDIX A CERTIFICATIONS**
- APPENDIX B RADIO FREQUENCY ELECTROMAGNETIC ENERGY SAFETY / SIGNAGE PLANS**
- APPENDIX C ROOFVIEW® EXPORT FILES**

EXECUTIVE SUMMARY

Purpose of Report

EnviroBusiness Inc. (dba EBI Consulting) has been contracted by Verizon Wireless to conduct radio frequency electromagnetic (RF-EME) modeling for Verizon Site 291690 located at 2020 Wharf Road in Capitola, California to determine RF-EME exposure levels from proposed Verizon wireless communications equipment at this site. As described in greater detail in Section 2.0 of this report, the Federal Communications Commission (FCC) has developed Maximum Permissible Exposure (MPE) Limits for general public exposures and occupational exposures. This report summarizes the results of RF-EME modeling in relation to relevant FCC RF-EME compliance standards for limiting human exposure to RF-EME fields.

Statement of Compliance

A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

As presented in the sections below, based on worst-case predictive modeling, there are no modeled areas on any accessible ground-level walking/working surface related to the proposed antennas that exceed the FCC's occupational or general public exposure limits at this site. Additionally, there are areas where workers who may be elevated above the ground may be exposed to power densities greater than the occupational limits. Therefore, workers should be informed about the presence and locations of antennas and their associated fields.

At the nearest walking/working surfaces to the Verizon antennas, the maximum power density generated by the Verizon antennas is approximately **6.50** percent of the FCC's general public limit (**1.30** percent of the FCC's occupational limit).

The composite exposure level from all carriers on this site is approximately **6.50** percent of the FCC's general public limit (**1.30** percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna.

Recommended control measures are outlined in Section 5.0 and within a Site Safety Plan (attached); this plan includes instructions to shut down and lockout/tagout this wireless equipment in accordance with Verizon's standard operating protocol.

1.0 INTRODUCTION

Radio frequency waves are electromagnetic waves from the portion of the electromagnetic spectrum at frequencies lower than visible light and microwaves. The wavelengths of radio waves range from thousands of meters to around 30 centimeters. These wavelengths correspond to frequencies as low as 3 cycles per seconds (or hertz [Hz]) to as high as one gigahertz (one billion cycles per second).

Personal Communication (PCS) facilities used by Verizon in this area operate within a frequency range of 700-2100 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed a distance above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of in areas in the immediate vicinity of the antennas.

MPE limits do not represent levels where a health risk exists, since they are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size or health.

2.0 SITE DESCRIPTION

This project site includes one (1) wireless telecommunication omnidirectional antenna (at one sector location) on a pole located at 2020 Wharf Road in Capitola, California.

Verizon Antenna Information (proposed Configuration)									
Antenna# and Model	Frequency (MHz)	# of Transmitters	Transmit Power (Watts)	Azimuth	Gain (dBd)	Feet above Ground (CL)	X	Y	Z
A1	700	2	60		1.8				
Amphenol CWT360X06F	1900	2	60	Omni	4.8	46.9	30	30	45.9
	2100	2	60		5.3				

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general population/uncontrolled exposure limits for members of the general public that may be exposed to antenna fields. While access to this site is considered uncontrolled, the analysis has considered exposures with respect to both controlled and uncontrolled limits as an untrained worker may access adjacent rooftop locations. Additional information regarding controlled/uncontrolled exposure limits is provided in Section 3.0. Appendix B presents a site safety plan that provides a plan view of the pole with antenna locations.

3.0 FEDERAL COMMUNICATIONS COMMISSION (FCC) REQUIREMENTS

The FCC has established Maximum Permissible Exposure (MPE) limits for human exposure to Radiofrequency Electromagnetic (RF-EME) energy fields, based on exposure limits recommended by the National Council on Radiation Protection and Measurements (NCRP) and, over a wide range of frequencies, the exposure limits developed by the Institute of Electrical and Electronics Engineers, Inc. (IEEE) and adopted by the American National Standards Institute (ANSI) to replace the 1982 ANSI guidelines. Limits for localized absorption are based on recommendations of both ANSI/IEEE and NCRP.

The FCC guidelines incorporate two separate tiers of exposure limits that are based upon occupational/controlled exposure limits (for workers) and general public/uncontrolled exposure limits for members of the general public.

Occupational/controlled exposure limits apply to situations in which persons are exposed as a consequence of their employment and in which those persons who are exposed have been made fully aware of the potential for exposure and can exercise control over their exposure. Occupational/controlled exposure limits also apply where exposure is of a transient nature as a result of incidental passage through a location where exposure levels may be above general public/uncontrolled limits (see below), as long as the exposed person has been made fully aware of the potential for exposure and can exercise control over his or her exposure by leaving the area or by some other appropriate means.

General public/uncontrolled exposure limits apply to situations in which the general public may be exposed or in which persons who are exposed as a consequence of their employment may not be made fully aware of the potential for exposure or cannot exercise control over their exposure. Therefore, members of the general public would always be considered under this category when exposure is not employment-related, for example, in the case of a telecommunications tower that exposes persons in a nearby residential area.

Table I and Figure I (below), which are included within the FCC's OET Bulletin 65, summarize the MPE limits for RF emissions. These limits are designed to provide a substantial margin of safety. They vary by frequency to take into account the different types of equipment that may be in operation at a particular facility and are "time-averaged" limits to reflect different durations resulting from controlled and uncontrolled exposures.

The FCC's MPEs are measured in terms of power (mW) over a unit surface area (cm²). Known as the power density, the FCC has established an occupational MPE of 5 milliwatts per square centimeter (mW/cm²) and an uncontrolled MPE of 1 mW/cm² for equipment operating in the 1900 MHz frequency range. For the Verizon equipment operating at 700 MHz or 850 MHz, the FCC's occupational MPE is 2.83 mW/cm² and an uncontrolled MPE of 0.57 mW/cm². These limits are considered protective of these populations.

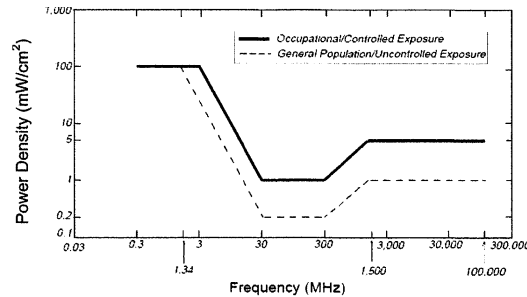
Table I: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-3.0	614	1.63	(100)*	6
3.0-30	1842/f	4.89/f	(900/f ²)*	6
30-300	61.4	0.163	1.0	6

Table 1: Limits for Maximum Permissible Exposure (MPE)				
(A) Limits for Occupational/Controlled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
300-1,500	--	--	f/300	6
1,500-100,000	--	--	5	6
(B) Limits for General Public/Uncontrolled Exposure				
Frequency Range (MHz)	Electric Field Strength (E) (V/m)	Magnetic Field Strength (H) (A/m)	Power Density (S) (mW/cm ²)	Averaging Time [E] ² , [H] ² , or S (minutes)
0.3-1.34	614	1.63	(100)*	30
1.34-30	824/f	2.19/f	(180/f ²)*	30
30-300	27.5	0.073	0.2	30
300-1,500	--	--	f/1,500	30
1,500-100,000	--	--	1.0	30

f = Frequency in (MHz)

* Plane-wave equivalent power density

Figure 1. FCC Limits for Maximum Permissible Exposure (MPE)
Plane-wave Equivalent Power Density



Based on the above, the most restrictive thresholds for exposures of unlimited duration to RF energy for several personal wireless services are summarized below:

Personal Wireless Service	Approximate Frequency	Occupational MPE	Public MPE
Personal Communication (PCS)	1,950 MHz	5.00 mW/cm ²	1.00 mW/cm ²
Cellular Telephone	870 MHz	2.90 mW/cm ²	0.58 mW/cm ²
Specialized Mobile Radio	855 MHz	2.85 mW/cm ²	0.57 mW/cm ²
Most Restrictive Freq. Range	30-300 MHz	1.00 mW/cm ²	0.20 mW/cm ²

MPE limits are designed to provide a substantial margin of safety. These limits apply for continuous exposures and are intended to provide a prudent margin of safety for all persons, regardless of age, gender, size, or health.

Personal Communication (PCS) facilities used by Verizon in this area operate within a frequency range of 700-2100 MHz. Facilities typically consist of: 1) electronic transceivers (the radios or cabinets) connected to wired telephone lines; and 2) antennas that send the wireless signals created by the transceivers to be received by individual subscriber units (PCS telephones). Transceivers are typically connected to antennas by coaxial cables.

Because of the short wavelength of PCS services, the antennas require line-of-site paths for good propagation, and are typically installed above ground level. Antennas are constructed to concentrate energy towards the horizon, with as little energy as possible scattered towards the ground or the sky. This design, combined with the low power of PCS facilities, generally results in no possibility for exposure to approach Maximum Permissible Exposure (MPE) levels, with the exception of areas directly in front of the antennas.

4.0 WORST-CASE PREDICTIVE MODELING

EBI has performed theoretical modeling using RoofView® software to estimate the worst-case power density at the site ground-level resulting from operation of the antennas. RoofView® is a widely-used predictive modeling program that has been developed by Richard Tell Associates to predict both near field and far field RF power density values for roof-top and tower telecommunications sites produced by vertical collinear antennas that are typically used in the cellular, PCS, paging and other communications services. The models utilize several operational specifications for different types of antennas to produce a plot of spatially-averaged power densities that can be expressed as a percentage of the applicable exposure limit.

The modeling is based on worst-case assumptions for the number of antennas and transmitter power. The modeling assumes a maximum 6 radio configuration for Sector A, with a power level of 48 dBm (60 watts) per transmitter for the 700, 1900 and 2100 frequencies, in order to provide a worst-case evaluation of predicted MPE levels. The assumptions used in the modeling are based upon information provided by Verizon, and information gathered from other sources. The parameters used for the modeling are summarized in the RoofView® export files presented in Appendix C.

There are no other wireless carriers with equipment installed at this site.

Based on worst-case predictive modeling, there are no modeled areas on any accessible ground-level walking/working surface related to the proposed Verizon antennas that exceed the FCC's occupational or general public exposure limits at this site. At the nearest walking/working surfaces to the Verizon antennas, the maximum power density generated by the Verizon antennas is approximately 6.50 percent of the FCC's general public limit (1.30 percent of the FCC's occupational limit). The composite exposure level from all carriers on this site is approximately 6.50 percent of the FCC's general public limit (1.30 percent of the FCC's occupational limit) at the nearest walking/working surface to each antenna.

The Site Safety Plan also presents areas where Verizon Wireless antennas contribute greater than 5% of the applicable MPE limit for a site. A site is considered out of compliance with FCC regulations if there are areas that exceed the FCC exposure limits and there are no RF hazard mitigation measures in place. Any carrier which has an installation that contributes more than 5% of the applicable MPE must participate in mitigating these RF hazards.

The inputs used in the modeling are summarized in the RoofView® export file presented in Appendix C. A graphical representation of the RoofView® modeling results is presented in Appendix B. It should be noted that RoofView is not suitable for modeling microwave dish antennas; however, these units are

RF-EME Compliance Report
EBI Project No. 6215003416

Site No. 291690
2020 Wharf Road, Capitola, California

designed for point-to-point operations at the elevations of the installed equipment rather than ground level coverage.

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

5.0 MITIGATION/SITE CONTROL OPTIONS

EBI's modeling indicates that there are no areas in front of the Verizon antennas that exceed the FCC standards for occupational or general public exposure. All exposures above the FCC's safe limits require that individuals be elevated above the ground. In order to alert people accessing the pole, a yellow CAUTION sign is recommended for installation 34 feet above ground level where the general population MPE is exceeded.

These protocols and recommended control measures have been summarized and included with a graphic representation of the antennas and associated signage and control areas in a RF-EME Site Safety Plan, which is included as Appendix B. Individuals and workers accessing the pole should be provided with a copy of the attached Site Safety Plan, made aware of the posted signage, and signify their understanding of the Site Safety Plan.

Implementation of the signage recommended in the Site Safety Plan and in this report will bring this site into compliance with the FCC's rules and regulations.

6.0 SUMMARY AND CONCLUSIONS

EBI has prepared a Radiofrequency – Electromagnetic Energy (RF-EME) Compliance Report for telecommunications equipment installed by Verizon Site Number 291690 located at 2020 Wharf Road in Capitola, California to determine worst-case predicted RF-EME exposure levels from wireless communications equipment installed at this site. This report summarizes the results of RF-EME modeling in relation to relevant Federal Communications Commission (FCC) RF-EME compliance standards for limiting human exposure to RF-EME fields.

As presented in the sections above, based on the FCC criteria, there are no modeled areas on any accessible ground-level walking/working surface related to the proposed antennas that exceed the FCC's occupational or general public exposure limits at this site. Workers should be informed about the presence and locations of antennas and their associated fields. Recommended control measures are outlined in Section 5.0 and within a Site Safety Plan (attached); this plan includes procedures to shut down and lockout/tagout this wireless equipment in accordance with Verizon's standard operating protocol.

7.0 LIMITATIONS

This report was prepared for the use of Verizon Wireless. It was performed in accordance with generally accepted practices of other consultants undertaking similar studies at the same time and in the same locale under like circumstances. The conclusions provided by EBI are based solely on the information provided by the client. The observations in this report are valid on the date of the investigation. Any additional information that becomes available concerning the site should be provided to EBI so that our conclusions may be revised and modified, if necessary. This report has been prepared in accordance with Standard Conditions for Engagement and authorized proposal, both of which are integral parts of this report. No other warranty, expressed or implied, is made.

RF-EME Compliance Report
EBI Project No. 6215003416

Site No. 291690
2020 Wharf Road, Capitola, California

Appendix A
Certifications

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

RF-EME Compliance Report
EBI Project No. 6215003416

Site No. 291690
2020 Wharf Road, Capitola, California

Preparer Certification

I, Jos Schorr, state that:

- I am an employee of EnviroBusiness Inc. (d/b/a EBI Consulting), which provides RF-EME safety and compliance services to the wireless communications industry.
- I have successfully completed RF-EME safety training, and I am aware of the potential hazards from RF-EME and would be classified "occupational" under the FCC regulations.
- I am familiar with the FCC rules and regulations as well as OSHA regulations both in general and as they apply to RF-EME exposure.
- I have reviewed the data provided by the client and incorporated it into this Site Compliance Report such that the information contained in this report is true and accurate to the best of my knowledge.



RF-EME Compliance Report
EBI Project No. 6215003417

Site No. 123950
20662 Newport Coast Drive, Newport Beach, California

Reviewed and Approved by:



Herbert J. Stockinger, PE
Senior Engineer

Note that EBI's scope of work is limited to an evaluation of the Radio Frequency – Electromagnetic Energy (RF-EME) field generated by the antennas and broadcast equipment noted in this report. The engineering and design of the building and related structures, as well as the impact of the antennas and broadcast equipment on the structural integrity of the building, are specifically excluded from EBI's scope of work.

EBI Consulting

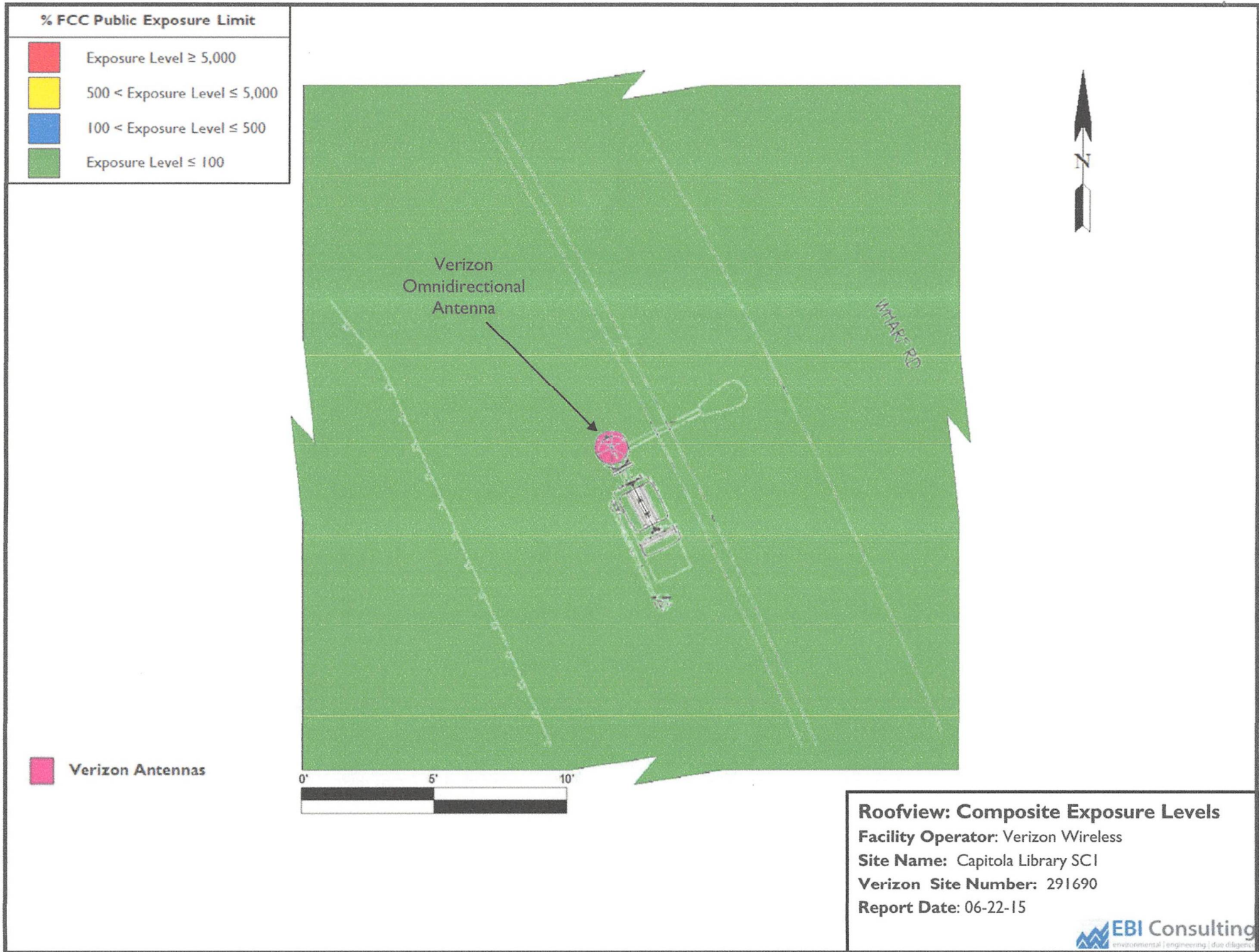
Attachment: Project Plans and Information (1524 : Utility Pole #3501)

RF-EME Compliance Report
EBI Project No. 6215003416

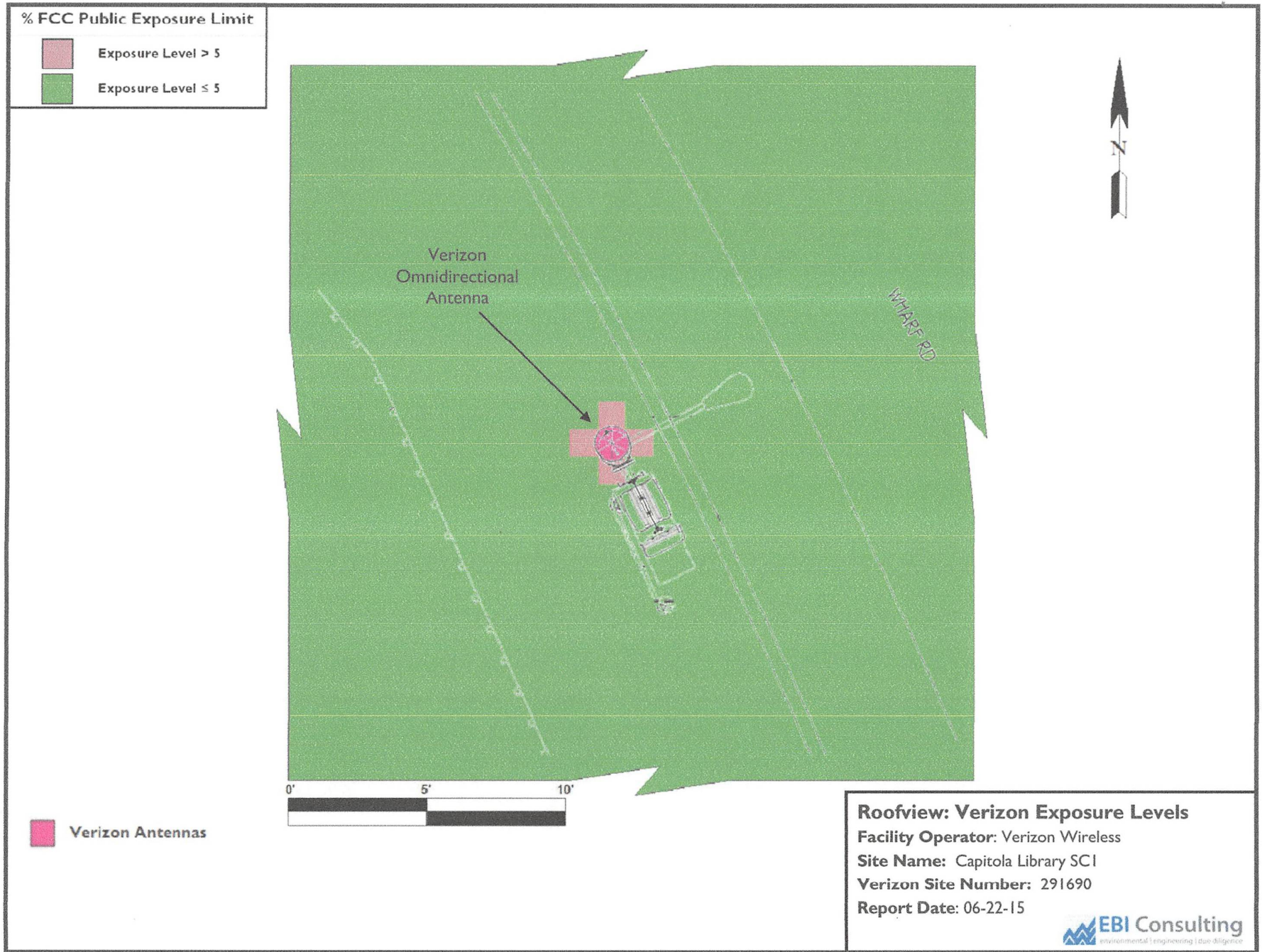
Site No. 291690
2020 Wharf Road, Capitola, California

Appendix B
Radio Frequency Electromagnetic Energy
Safety / Signage Plans

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

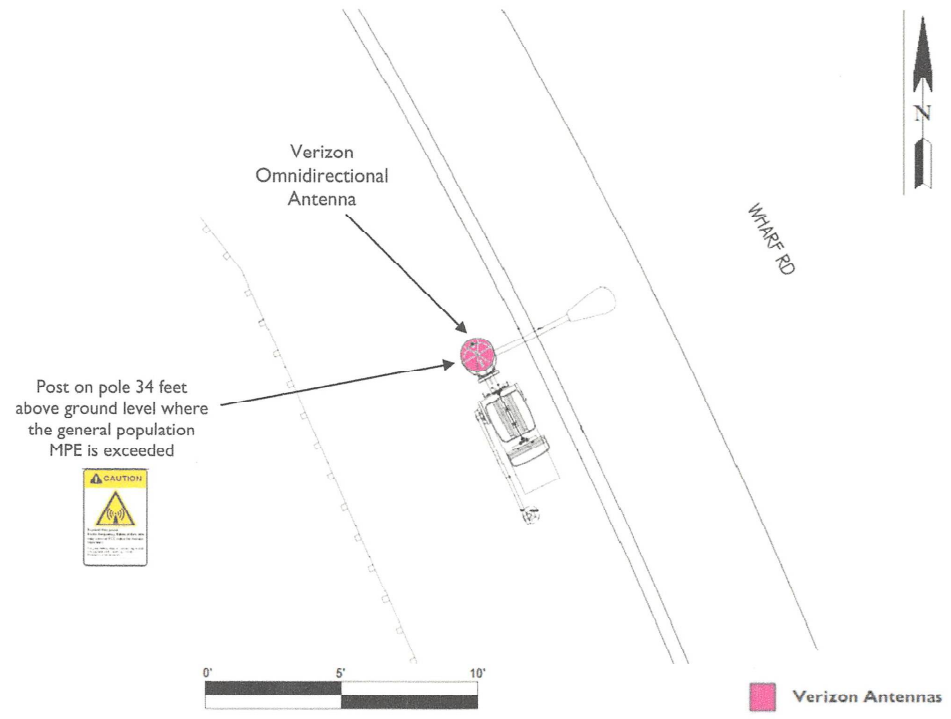



Attachment: Project Plans and Information (1524 : Utility Pole #3501)




Attachment: Project Plans and Information (1524 : Utility Pole #3501)

Verizon Signage Plan



Sign Image	Description	Posting Instructions	Required Signage
	Yellow Caution Sign Used to alert individuals that they are entering an area where the power density emitted from transmitting antennas may exceed the FCC's maximum permissible exposure limit for the general public and the occupational exposure limit.	Securely post on the pole in a manner conspicuous to all individuals entering thereon as indicated in the signage plan.	1 on pole 34 feet above ground level where the general population MPE is exceeded

Signage Plan
Facility Operator: Verizon Wireless
Site Name: Capitola Library SC1
Verizon Site Number: 291690
Report Date: 06-22-15



Attachment: Project Plans and Information (1524 : Utility Pole #3501)

RF-EME Compliance Report
EBI Project No. 6215003416

Site No. 291690
2020 Wharf Road, Capitola, California

Appendix C
Roofview® Export File

Attachment: Project Plans and Information (1524 : Utility Pole #3501)

StartMapDefinition

Roof Max Y	Roof Max X	Map Max Y	Map Max X	Y Offset	X Offset	Number of envelope
50	50	70	90	20	20	1

List Of Area
\$AE\$151:\$

StartSettingsData

Standard	Method	Uptime	Scale	Facto	Low Thr	Low Color	Mid Thr	Mid Color	Hi Thr	Hi Color	Over Color	Ap Ht	Mult Ap	Ht Method
4	2	1	1	100	1	500	4	5000	2	3	1.5	1		

StartAntennaData

It is advisable to provide an ID (ant 1) for all antennas

ID	Name	Freq (MHz)	Trans Power	Trans Count	Coax Len	Coax Type	Other Loss	Input Power	Calc Power	Mfg	Model	(ft) X	(ft) Y	(ft) Z	Type	(ft) Aper	dbd Gain	BWdth Pt Dir	Uptime Profile	ON flag
VZW A1	LTE	700	60	2			0.35		110.7086	Amphenol	CWT360X0	30	30	45.9		2	1.8	OMNI		ON*
VZW A1	LTE	1900	60	2			0.55		105.7259	Amphenol	CWT360X0	30	30	45.9		2	4.8	OMNI		ON*
VZW A1	LTE	2100	60	2			0.55		105.7259	Amphenol	CWT360X0	30	30	45.9		2	5.3	OMNI		ON*

StartSymbolData

Sym	Map Mark	Roof X	Roof Y	Map Label	Description (notes for this table only)
Sym		5	35	AC Unit	Sample symbols
Sym		14	5	Roof Access	
Sym		45	5	AC Unit	
Sym		45	20	Ladder	

Site Planning and Zoning Summary

The following outlines the zoning code requirements for new wireless antenna development in the R-1 (Single-Family Residential) Zoning District relative to the application.

General Requirements (17.98.080)

17.98.080 - B: Restricted Zoning Districts: prohibited within 500 feet (and also 300 feet) of the following districts:

- Single-Family Residential
- Multi-Family Residential
- Mobile Home
- Commercial residential
- Parks and open space
- Public Facilities
- Transient rental use overlay

The proposal does not comply. Verizon's proposal is located on an existing utility pole within the Wharf Road right-of-way adjacent to the residence at 2091 Wharf Rd (Single-Family Residential), just 40 feet from the future Rispin Park property, approximately 100 feet from the public library due south (Public Facility), 130 feet from the mobile home park due west, 200 feet from multi-family residences due north, 130 feet from Francesco Circle planned development residences due south-west, and less than 500 feet from the residential properties due east (Riverview Drive) and south (Clares St). The proposed site does not comply with the restricted zoning district setbacks.

17.98.080 – C: Restricted Coastal Areas – School Areas – Skilled Nursing Facility Areas: “absolutely prohibited in areas that lie within one thousand feet of the coastline [...] and five hundred feet of a school property or skilled nursing facility.”

The proposal complies. The proposal is located over 3,000 feet from the beach due south, zoned “Public Facility – Parks, Open Space” and is located over 500 feet from any school area or skilled nursing facility.

17.98.080 – E: Compliance with FCC Regulations:

The proposal complies. The applicant submitted an engineering report verifying that they will comply with FCC regulations.

17.98.080 – F: Co-location: when feasible, co-location onto existing sites is required

The proposal complies. applicant submitted a statement to why co-location would not work with Verizon's proposal to close a coverage gap and a stated that they would be open to other carriers co-locating.

17.98.080 – G: Visual Effect: facilities located so as to minimized their visual impact as much as possible

The proposal complies. Staff feels that the proposed antenna facility will have a minimal impact due to it being an addition on to an existing utility pole and since it will be painted to blend with the existing wooden pole. Although the proposal will increase the height of the pole by eight feet, the proposal will have only minor visual impacts. The facility will be visible, but it will not be visually intrusive. The new equipment will match the color and design of the existing pole in an area lined with other utility poles, and is not located in a sensitive view corridor

17.98.080 – H: Landscaping:

Not required. No major landscaping proposed to be added or removed with the utility pole extension.

Location Standards (17.98.090)**17.98.090 – A: Location preferences:**

1. Industrial or Commercial Sites
2. Attached to existing structures (ex. Utility pole)
3. Not highly visible from visually sensitive areas

The proposal does not comply. Although the proposed cell site complies with preferences 2, it does not comply with number 1 and 3. The site is proposed to be located in a road right-of-way, adjacent to residential zones. Also, the eight foot addition on to the existing utility pole will be visible from Wharf Rd.

17.98.090 – B: In no event may a wireless facility be located within three hundred feet of a restricted zoning district.

The proposal does not comply. The proposed Verizon antenna would be adjacent to the residence at 2091 Wharf Rd (Single-Family Residential), just 40 feet from the future Rispin Park property, approximately 100 feet from the public library due south (Public Facility), 130 feet from the mobile home park due west, 200 feet from multi-family residences due north, and 130 feet from Francesco Circle planned development residences due south-west.

Preferred antenna siting and mounting techniques (17.98.100)

Techniques are listed in order of preference:

1. Façade-mounted
2. Roof-mounted
3. Ground-mounted
4. Freestanding monopole

The proposal does not comply. The proposal is for an extension to an existing utility pole. The proposal does not fall into any of the above siting techniques, however since it is not mounted on to an existing building or roof, it is not the most preferred siting and mounting technique. Verizon's proposal best fits within the freestanding monopole category, although it involves an addition to an existing utility pole.

Setbacks and projections into yards (17.98.120)**17.98.150 – D: The clear vertical height under a projection shall be at least 15 feet.**

The proposal complies. Verizon is proposing a new electrical meter on to the existing utility pole that will be just seven feet above grade. The meter only slightly projects past the existing pole, and is located in a road right-of-way with no sidewalk or pedestrian access. Staff has no safety concerns with the meter's location. The only portion of the proposal that extends over a public access area is the new cross-arms for the pole, which will be 38 feet above grade.

17.98.150 – A: Wireless facilities shall comply with applicable setback regulations of the zoning district in which they are situated.

The proposal does not comply. Proposal is adjacent to a single-family residential property (R-1), however it is located in the road right-of-way. The proposal does not meet any standards of the R-1 zoning district; the Municipal Code does not address specific setbacks for wireless facilities within residential zoning because it is a restricted zone.

Projections into public rights-of-way (17.98.160) – (only related requirements are listed)

17.98.160 – A: Equipment on to existing telephone poles may extend over a sidewalk or street, subject to the director and director of public works approvals:

The proposal complies. There is no sidewalk on the west side of Wharf Rd. Only one portion of the wireless antenna proposal extends over the Wharf Road, which is the new cross-arm per PG&E requirements. The new cross-arm will be 38 feet above existing grade. The Public Works director has no concern with this slight encroachment.

17.98.160 – D: Clear vertical height under a projection shall be at least 15 feet:

The proposal complies. Verizon is proposing a new electrical meter on to the existing utility pole that will be seven feet above grade. The meter only slightly projects past the existing pole, and is located in a road right-of-way with no sidewalk or pedestrian access. Staff has no safety concerns with the new meter's location. The only portion of the proposal that extends over a public access area is the new cross-arms for the pole, which extends over Wharf Road and will be 38 feet above grade.

Conclusion:

In summary, the proposed wireless antenna addition on to an existing utility pole adjacent to 2091 Wharf Road does not comply with the Municipal Code. Specifically, the site is located within restricted zone setbacks. However, the proposal conforms to the design criteria listed within the code.

WIRELESS FACILITY FINDINGS

The following findings were prepared to demonstrate consistency of the proposed project with sections 17.98.080 through 17.98.120 of the Capitola Municipal Code.

17.98.080 General requirements.

A. All wireless communications facilities, except for exempt facilities described in Section 17.98.010, shall comply with all applicable goals, objectives and policies of the general plan/local coastal program, area plans, zoning regulations and development standards; the California Coastal Act; and are subject to the California Environmental Quality Act (CEQA).

- *General Plan Policy LU-1.2 Design Quality. Require all new development to feature high quality design that enhances the visual character of the community.*

Finding: The applicant has submitted photo simulations of the proposed utility pole addition, which show the new equipment being painted with a non-reflective brown finish to blend with the existing wooden utility pole. The new facility does not enhance the visual character of the community, but it also does not constitute a negative visual impact to the community. Although the new facility will be visible, it will not be visually intrusive. The new equipment will match the color and design of the existing pole in an area lined with other utility poles, and is not located in a sensitive view corridor. The Planning Commission may condition the application to include additional screening materials.

- *Policy LU-4.7 Planning Projects. Ensure that future planning efforts for non-residential areas carefully consider potential impacts on adjacent residential neighborhoods.*

Finding: The planning review of the antenna facility carefully considered potential impacts on adjacent residential neighborhoods. Chapter 17.98.080 of the Capitola Municipal Code requires that new wireless antenna facilities be located a minimum of 500 feet from residential districts. In addition, chapter 17.98.090 states that the facility may “in no event less than three hundred feet” from residential districts. The proposed facility is located within the required 300 and 500 foot setback of residential properties; the facility would be ten feet from a Single-Family zoned residence at 2091 Wharf Road, roughly 130 feet from the mobile home park due west, 200 feet from multi-family residences due north, 130 feet from Francesco Circle planned development residences due south-west, and less than 500 feet from the residential properties due east (Riverview Drive) and south (Clares St). However, the applicant has claimed that the City’s regulations are too restrictive and are thus prohibiting the carrier from filling a gap in their coverage. Verizon submitted a “significant gap” and “least intrusive means” analysis to prove this. The analysis showed that there is a gap in cell coverage and data capacity at this location has reached its limit, and that the proposed facility would constitute the “least intrusive means” of filling said gap.

- *Policy OSC-6.3 Development Projects. Ensure that new development avoids, minimizes, and/or mitigates impacts to biological resources and sensitive habitat.*

Finding: According to Section 332(c) of the Communications Act, “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” Therefore, Radio Frequency (RF) emissions were not reviewed as a part of this application. Besides potential RF emissions, the project will not impact biological resources and sensitive habitat.

- Policy MO-4.3 Streetscape Design. *Ensure that street trees, landscaping, and other streetscape design features on Capitola’s main arterials support a high quality design environment.*

Finding: The proposed pole extension and new wireless facility will be visible from the adjacent Wharf Road corridor. The antenna and equipment is proposed to be painted with a non-reflective brown finish to match that of the existing wooden pole. Condition # 6 requires that the final choice of colors and finish be approved by the community development department. The antenna facility is only visible while commuting along the north section of Wharf Road. Although the new facility will be visible, it will not be visually intrusive. The new equipment will match the color and design of the existing pole in an area lined with other utility poles, and is not located in a sensitive view corridor. No landscaping changes are proposed.

- Policy SN-4.3 Sensitive Receptors. *Prohibit land uses and development that emit obnoxious odors, particulates, light, glare, or other environmentally sensitive contaminants from being located near schools, community centers, senior homes, and other sensitive receptors.*

Finding: Chapter 17.98.080 of the Capitola Municipal Code requires that new wireless antenna facilities be located a minimum of 500 feet from public facilities and residential districts. In addition, chapter 17.98.090 states that the facility may “in no event less than three hundred feet” from the restricted districts. Subsection C also requires a 500 foot setback from schools and nursing facilities. The proposal is located over 3,000 feet from the beach due south, zoned “Public Facility – Parks, Open Space” and is located over 500 feet from any school area or skilled nursing facility. However, the facility would be ten feet from a Single-Family zoned residence at 2091 Wharf Road, 100 feet from the public library due south (community center), 40 feet from the approved Risipin Park project, 130 feet from the mobile home park due west, 200 feet from multi-family residences due north, 130 feet from Francesco Circle planned development residences due south-west, and less than 500 feet from the residential properties due east (Riverview Drive) and south (Clares St). The applicant submitted a “significant gap” report and “least intrusive means” analysis which proved the necessity of this new site in filling a gap in their coverage.

According to Section 332(c) of the Communications Act, “No State or local government or instrumentality thereof may regulate the placement, construction, and modification of personal wireless service facilities on the basis of the environmental effects of radio frequency emissions to the extent that such facilities comply with the Commission’s regulations concerning such emissions.” Therefore, Radio Frequency (RF) emissions were not reviewed as a part of this application. Besides potential RF emissions, the project will not impact biological resources and sensitive habitat.

- *Policy ED-1.6 Expanded Services. Support the expansion of services and amenities that cater to both tourists and residents.*

Finding: The purpose of Verizon's proposed cellular antenna is to improve coverage and cell capacity in the area surrounding 2091 Wharf Road and the Capitola Public Library. Cell services are used by both tourists and residents.

B. Restricted Zoning Districts.

Wireless communication facilities shall generally be allowed on parcels in nonresidential zoning districts. Wireless communication facilities are prohibited within or five hundred feet of the following zoning districts, subject only to exceptions as described in Section 17.98.080(D) of this section.

- 1. Single-family residence (R-1);*
- 2. Multiple family residence – Low medium (RM-LM);*
- 3. Multiple family residence – Medium (RM-M);*
- 4. Multiple family residence – High (RM-H);*
- 5. Mobilehome exclusive (MHE);*
- 6. Commercial residential (CR);*
- 7. Parks and open space (P/OS);*
- 8. Public facilities (PF);*
- 9. Transient rental use overlay (TRO).*

Finding: The location of the proposed facility relative to setbacks from prohibited districts have been analyzed and considered by staff. The proposed facility is located within the required 500 foot setback of single-family and multi-family residential zoning, and mobile home exclusive zoning. However, the applicant has claimed that the City's regulations are too restrictive and are thus prohibiting the carrier from filling a gap in their coverage, pursuant to section 17.98.080-D of the Capitola Municipal Code. Verizon submitted a "significant gap" and "least intrusive means" analysis to prove this. The analysis showed that there is a gap in cell coverage and available data capacity at this location and that the proposed facility would constitute the "least intrusive means" of filling said gap.

C. Restricted Coastal Areas – School Areas – Skilled Nursing Facility Areas.

To the extent that this subsection's coastline protection objective can be accomplished consistent with the Federal Communications Act of 1996 and any other applicable federal or state law, wireless communication facilities shall be prohibited in areas that lie within three thousand feet of the coastline. Wireless communication facilities shall be absolutely prohibited in areas that lie within one thousand feet of the coastline. Wireless communication facilities shall also be prohibited in areas that lie within five hundred feet of a school property or a skilled nursing facility that cares for patients on a long-term basis. No portion of a wireless facility shall extend onto or impede access to a public beach. The

restrictions set forth in this subsection are subject to the exceptions set forth in subsection D of this section.

Finding: The proposed wireless facility is located roughly 3,600 feet from the coastline; it would comply with both the 1,000 and 3,000 foot regulations. The proposed facility will be located over 500 feet from school areas and skilled nursing facilities. The proposal complies with the restricted coastal areas, school areas, and nursing facilities section.

D. Exceptions to Restricted Areas.

Wireless communication facilities may be sited in the restricted zoning and coastal areas described above only in situations where the applicant can prove that:

- 1. The proposed wireless communication facility would eliminate or substantially reduce one or more significant gaps in the applicant carrier's network; and*
- 2. There are no viable, technically feasible, and environmentally (e.g., visually) equivalent or superior potential alternatives (i.e., sites/facility types) outside the restricted zoning districts or coastal areas that could eliminate or substantially reduce said significant gap(s).*

Finding: The proposed facility would be sited within restricted zoning areas. However, the applicant submitted a "significant gap" and "least intrusive means" analysis to prove that the subject location is necessary. The analysis showed that there is a gap in cell coverage and available data capacity at this location and that the proposed facility would constitute the "least intrusive means" of filling said gap.

E. Compliance with FCC Regulations.

Wireless communication facilities shall comply with all Federal Communication Commission (FCC) rules, regulations, and standards. Every two years the wireless telecommunications service provider shall submit to the director of community development: (1) a certification by a licensed engineer that the emissions are within the current FCC standards; and (2) a report on the level of cumulative radio frequency emissions within an eight hundred-foot radius from the subject antenna.

Finding: Condition # 5 been included to require compliance with FCC regulations. Every two years the applicant must submit documentation from a licensed engineer showing that emissions are within the current FCC standards.

F. Co-location.

Where technically, legally, and fiscally feasible, co-location of new wireless communication facilities onto existing telecommunication ground-mounted and freestanding monopole towers shall be required. Co-location may require that height extensions be made to existing towers or wireless telecommunications facilities to accommodate additional users, or may involve constructing new multi-user facilities that replace existing single-user capacity towers.

Finding: Verizon submitted a Collocation Statement as a part of their submittal package, that explains a collocation on to an existing site would not help improve their cellular gap and that both the landlord and applicant are open to other service providers collocating on this site as long as it is technically feasible. Verizon will cooperate with the City in the event of a future proposed collocation project.

G. Visual Effect. All proposed wireless telecommunications facilities shall be located so as to minimize their visual impact to the maximum extent feasible. Measures to achieve this objective may include but are not limited to the following:

1. The applicant shall use the smallest and least visible antennas feasible to accomplish the owners/operator's coverage objectives. All wireless telecommunications facilities proposed for locations where they would be readily visible from the public right-of-way or from the habitable living areas of residential units within one hundred feet shall incorporate appropriate techniques to camouflage or disguise the facility, and/or blend it into the surrounding environment, to the extent feasible.

Finding: Staff included Condition # 6 to require non-reflective finishing of equipment to ensure that the visual effect of the proposed wireless facility is minimized to the maximum extent feasible. Staff feels that the proposed antenna facility will have a minimal impact due to it being an addition on to an existing utility pole and since it will be painted to blend with the existing wooden pole. Although the new facility will be visible, it will not be visually intrusive. The new equipment will match the color and design of the existing pole in an area lined with other utility poles, and is not located in a sensitive view corridor

2. Facilities shall be compatible in scale and integrated architecturally with the design of surrounding buildings or the natural setting. Wireless telecommunication facilities located on historic features (as defined in Chapter 17.87), a national or California registered historic building, or within a designated historic district, shall be limited to facade-mounted facilities only and integrated architecturally with the style and character of the structure or otherwise made unobtrusive. No wireless communications facility shall be sited such that its design and/or construction will damage an archeological site.

Finding: Staff included Condition # 6 to require non-reflective finishing of equipment to ensure that the visual effect of the proposed wireless facility is minimized and that the new antenna equipment will blend in with the existing wooden utility pole. The existing utility pole is not considered an historic structure.

3. Whenever possible, base transceiver stations, equipment cabinets and buildings, back-up generators, and other equipment associated with building-mounted antennas should be installed within the existing building envelope. If this is not feasible, the equipment shall be as low profile, screened, fenced, landscaped, painted, or otherwise treated architecturally to minimize its appearance from off-site locations and to visually blend with the surrounding natural and built environment. Equipment buildings should be designed in an architectural style and constructed of exterior building materials that are consistent with surrounding development and/or land use setting (if applicable) and should be a visually pleasing feature.

Finding: Staff included Condition # 6 to require non-reflective finishing of equipment to ensure that the visual effect of the proposed wireless facility is minimized and that the new antenna equipment will blend in with the existing wooden utility pole.

4. All ground-mounted base transceiver stations, equipment cabinets, and utility panels for telecommunications facilities shall be limited to a maximum height of six feet above grade unless other techniques are adopted to ensure minimal visual impact. Base transceiver stations, equipment cabinets, and utility panels that are taller may be partially buried underground or installed by use of another technique to maintain the six foot height limit. Greater height may be granted upon a finding that it is not possible to meet the height limitation and that adequate screening of the equipment is provided.

Finding: The proposed ancillary equipment is located on an existing utility pole. There is no ground-mounted equipment proposed.

5. No advertising signage or identifying logos shall be displayed on wireless telecommunications facilities, except for small identification plates used for emergency notification or hazardous or toxic materials warning.

Finding: Condition # 9 requires emergency contact signage. There is no other signage proposed with this application.

6. Applicants are encouraged to consider providing architectural treatments and to use "stealth techniques" to reduce potential visual impacts for all telecommunication facilities. Stealth techniques are especially encouraged in areas easily visible from a major traffic corridor or commercial center or in residential areas. Stealth techniques may be required as conditions of approval when determined to be necessary to mitigate adverse visual impacts. However, under no circumstances will "in wall" cell towers, i.e., cell towers constructed partially or wholly within the walls of a building, be permitted.

Finding: Since the proposal is for an addition on to an existing utility pole, screening techniques would cause the proposed facility to be larger and thus more visible. The most effective way to incorporate "stealth techniques" is to paint the new equipment as proposed and as required per Condition # 5.

7. All facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances. The director may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, antenna facilities have the potential to become an attractive nuisance. The design of the fencing and other access control devices shall be subject to design review.

Finding: Condition # 9 requires warning and safety signage and Condition # 10 requires that the facility to be maintained graffiti free. The proposed facility would be located on an existing utility pole, roughly 48 feet above grade, which will help restrict unauthorized access.

H. Landscaping. Landscaping may be required to visually screen wireless communications facilities from adjacent properties or public view and/or to provide a backdrop to camouflage the facilities. All proposed landscaping is subject to the director's review and approval.

Landscaping guidelines include, but are not limited to, the following:

- 1. To the extent feasible, existing on-site vegetation shall be preserved or improved, and disturbance of the existing topography shall be minimized. Additional trees and other vegetation shall be planted and maintained around the facility, in the vicinity of the project site, and along access roads in appropriate situations where such vegetation is deemed necessary to provide screening of wireless communications facilities and related access roads.*
- 2. All trees used in landscaping shall be a minimum of fifteen gallons in size and all shrubs in a minimum of five gallons, unless otherwise approved.*
- 3. Existing trees and other screening vegetation in the vicinity of the proposed facility and associated access-ways shall be protected from damage both during and after construction.*
- 4. Where applicable, the applicant shall enter into a landscape performance and maintenance agreement with the city to ensure the installation and establishment of required landscaping. This agreement shall be secured by financial guarantees acceptable to the director in an amount equal to one hundred fifty percent of the estimated cost of materials and labor for required improvements. The duration of the landscape maintenance agreement shall be for the length of the permit.*
- 5. All landscape design shall meet the water efficiency landscaping requirements of Chapter 17.97 of this title, including installing or upgrading existing irrigation systems if necessary.*

Finding: There is no proposed landscaping modifications associated with this proposal, being that it is completely off of the ground. If the applicant later decides to remove landscaping, they must meet the above requirements.

I. Access Roads.

All wireless communications facilities shall use existing access roads, where available. Unless visual impacts can be adequately mitigated, no new access roads shall be allowed with any proposed wireless communications facility.

Finding: No new access roads are proposed therefore this criteria is not applicable.

J. Minor Modifications.

Minor modifications to wireless communications facility equipment design, location, height, and other elements may be allowed, subject to the approval of the director, if such modifications are in keeping with the architectural statement and layout design of the original approval, and meet the requirements of this chapter. (Ord. 862 § 1, 2003)

Finding: This proposal involves a new wireless site, not a modification to an existing facility. This criteria is not applicable.

17.98.080 Location standards.

A. Location preference for wireless communications facilities should be given to the following locations:

1. Industrial or commercial sites;
2. Facilities attached or sited adjacent to existing structures. Appropriate types of existing structures may include, but not be limited to, buildings, telephone and utility poles, signage and sign standards, traffic signals, light standards and flagpoles;
3. Sites that are not highly visible from adjacent roadways, public areas, parks, schools, or other visually sensitive areas, as determined by the director.

Finding: The application has analyzed the preferred locations for wireless communications facility. The proposal is located upon an existing utility pole, which is the second preferred location standard. The site is visible from adjacent Wharf Road. Although the new facility will be visible, it will not be visually intrusive. The new equipment will match the color and design of the existing pole in an area lined with other utility poles, and is not located in a sensitive view corridor. The proposal conforms to the location standards.

B. A wireless communications facility shall not be located in any non-residential zoning district unless the proposed facility is located as far away as is feasible from the property lines of restricted zoning districts as described in Section 17.98.080, as determined by the director and in no event less than three hundred feet.

Finding: The location of the proposed facility relative to setbacks from prohibited districts have been analyzed and considered by staff. The proposed facility is located within the required 300 foot setback of restricted residential zones; the facility would be ten feet from a Single-Family zoned residence at 2091 Wharf Road, roughly 130 feet from the mobile home park due west, 200 feet from multi-family residences due north, 130 feet from Francesco Circle planned development residences due south-west. However, the applicant has claimed that the City's regulations are too restrictive and are thus prohibiting the carrier from filling a gap in their coverage. Verizon submitted a "significant gap" and "least intrusive means" analysis to prove this. The analysis showed that there is a gap in cell coverage and available data capacity at this location and that the proposed facility would constitute the "least intrusive means" of filling said gap.

C. When feasible and in conformance with other provisions of this chapter, wireless communications providers shall be encouraged to locate their wireless communications facilities on publicly owned or controlled property or right-of-way.

Finding: The applicant has proposed to locate the new wireless facility on public property, within the Wharf Road right-of-way.

D. Amateur radio facilities are prohibited on public property in any zoning district, unless the facility meets the requirements of Section 17.98.030(B) of this chapter. (Ord. 862 § 1, 2003)

Finding: This proposal does not constitute an "amateur radio facility", thus section D does not apply.

17.98.100 Preferred antenna siting and mounting techniques.

The following wireless telecommunications facilities and mounting techniques are listed in order of preference:

- A. Facade-mounted facilities;*
- B. Roof-mounted facilities;*
- C. Ground-mounted facilities;*
- D. Freestanding monopole facilities. (Ord. 862 § 1, 2003)*

Finding: The proposal is for an extension to an existing utility pole. The proposal does not fall into any of the above siting techniques, however since it is not mounted on to an existing building or roof, it is not the most preferred siting and mounting technique. Verizon's proposal best fits within the freestanding monopole category, although it involves an addition to an existing utility pole.

17.98.140 Freestanding monopole wireless telecommunication facilities.

A. Freestanding monopoles shall be located and designed to minimize visual impacts. For example, a monopole could be located in a grove of existing trees so that natural screening or background is provided. Freestanding monopoles in high visibility locations shall incorporate "stealth techniques" to camouflage them as a piece of art/sculpture, a clock tower, flag pole, tree or other interesting, appropriate and compatible visual form. Such stealth installations shall be used when the siting and surrounding environment helps them to blend with the setting. Freestanding monopoles may not be located within the required front yard setback of any property, unless appropriate architectural elements for a "stealth facility" are incorporated in the design of the monopole.

Finding: The proposal is for an extension to an existing utility pole. The proposed antenna equipment will be painted with a non-reflective brown color to match with the existing pole. Incorporating additional stealth techniques will cause the proposal to be more visible due to the minimalistic design of the utility pole and due to the proposed height of the new equipment.

B. Freestanding monopoles shall be prohibited in the Capitola Village unless all other types of wireless communication facility structures are considered not technically feasible.

Finding: The proposal is for an extension to an existing utility pole at the northern end of Wharf Road. The proposal is not within the Capitola Village and thus complies.

C. Freestanding monopoles shall generally not be allowed within one thousand feet of each other except when the cumulative visual impacts are not significant.

Finding: The nearest wireless monopole is located nearly 3,000 feet away, in the industrial park area off of Kennedy Drive.

D. Freestanding monopoles shall be designed at the minimum functional height required. The height of monopoles shall be reviewed on a case-by-case basis for the visual impact on the neighborhood and community. The director may require an independent review through a supplementary report, paid for in advance by the applicant, to evaluate the applicant's request. Factors to be considered are: whether or not another site exists where a more

preferred method of installation could be met; whether the future addition of another wireless telecommunications facility could affect the future height of the proposed facility; and whether there is any other technically feasible method of siting the facility that would reduce the overall proposed height. (Ord. 862 § 1, 2003)

Finding: The applicant submitted an Alternative Sites Analysis report which explains why this site was chosen, what extend of the existing PG&E pole that Verizon is permitted to modify, and that the new antenna must maintain 6 feet of clearance from the power line for safety. In addition, the applicant provided photo simulations of the wireless facility, showing that it will not be visually intrusive on the neighborhood. Although the new facility will be visible, it will not be visually intrusive. The new equipment will match the color and design of the existing pole in an area lined with other utility poles.